



PLANNING PROPOSAL

Waverley War Memorial Hospital Campus Site
125 Birrell Street, Waverley

Report Information

Council versions:

| No. | Date | Version |
|-----|------------------|---|
| 1 | 15 August 2018 | Report to Waverley Local Planning Panel |
| 2 | 9 January 2019 | Report to Waverley Local Planning Panel |
| 3 | 15 February 2019 | Report to Strategic Planning and Development Committee Add discussion regarding finalised advice from WLPP received 24 January 2019. |
| 3 | 15 February 2019 | Report to Strategic Planning and Development Committee No changes |
| 4 | 8 May 2019 | Forward to Department of Planning & Environment |
| 5 | 4 May 2020 | Further information provided as response to RFI to Department of Planning, Industry & Environment |
| 6 | 28 April 2021 | Amendments made to satisfy Gateway Determination. |
| 7 | 19 May 2021 | Minor updates as requested by Department of Planning, Industry & Environment prior to public exhibition. |
| 8 | 30 August 2021 | Post-exhibition updates endorsed by Council 17 August 2021. |

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EXECUTIVE SUMMARY

This Planning Proposal (the Proposal) has been prepared as a result of a request to prepare a planning proposal (the Submission) that was made by the Proponent (Ethos Urban on behalf of Uniting). The Proposal is for the site known as the Waverley War Memorial Hospital Campus, identified in Figure 1.

Figure 1 - Aerial of the subject site



Source: Waverley Council 2018

This Proposal seeks to:

- Ensure the retention and ongoing functioning of the hospital.
- Maintain the unique heritage and environmental significance of the site.
- Increase public accessibility within the site.
- Allow the expansion of the existing aged care and seniors living uses, including affordable housing options.
- Provide for additional ancillary and associated uses to support the functioning of the primary uses on site.
- Ensure that the site achieves positive environmental outcomes.

This Proposal presents an option for redevelopment on the site that balances the redevelopment of essential social infrastructure - including health related uses and seniors housing - with the exceptional heritage and environmental qualities of the site.

The Proposal seeks to amend the *Waverley Local Environmental Plan 2012* (WLEP2012) as follows:

1. The following Additional Permitted Uses to apply to the SP2 zoned land as follows:
 - Seniors housing
 - Community facilities
 - Centre-based child care facility
2. Include the site on the Key Sites Map to refer to a site-specific incentive provision.

3. Create a new Alternative Height of Buildings Map and identify the site to show an alternate height of 15m and 21m.
4. Create a new Alternative Floor Space Ratio Map and identify the site to show an alternate maximum FSR of 1.2:1.
5. Create a new site-specific provision that:
 - (a) Provides objectives for the redevelopment of the site.
 - (b) Applies Clause 6.9 Design Excellence to the site.
 - (c) Sets out the requirements of a Site Specific DCP for the site.
 - (d) Excludes the application of 'Part 6 Development of Vertical Villages' in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* from being applicable in the instance that any development seeks to utilise the Alternative Building Height and Alternative Floor Space Ratio.
 - (e) Provides for an incentive provision that sets out requirements for:
 - i. Deep soil provision
 - ii. High performance building standards
 - iii. Minimum floorspace for the purposes of a residential care facility

In order to achieve the development standards of:

- i. Alternative Building Height of 15m and 21
- ii. Alternative Floor Space Ratio of 1.2:1

These proposed development standards and controls are discussed in more detail in Part 3 of this Planning Proposal.

INTRODUCTION

a. Description of the Planning Proposal

This Proposal seeks to amend the Waverley Local Environmental Plan 2012 to enable the redevelopment of the War Memorial Hospital Site. The redevelopment will seek to continue to provide essential social infrastructure through the provision of health related uses and seniors housing, retain and enhance the unique heritage and environmental significance of the site, and open the site up to the public to encourage a greater level of public engagement with the heritage fabric and open space on the site.

b. History of the Planning Proposal

This Planning Proposal (the Proposal) was originally submitted to the Department of Planning, Industry and Environment (DPIE) on 8 May 2019, and has since been amended for clarity. Additional supporting information has been provided by the Proponent to support this Proposal.

This Proposal has been prepared in response to a request to prepare a planning proposal made by a proponent (the Submission). Table 1 provides an overview of the key dates of the project thus far. More information on this process and the evolution of the Submission is provided in Appendix 1.

| Date | Matter |
|-------------------|--|
| 4 July 2017 | Proponent’s request to prepare a planning proposal – the Submission – is lodged with Council |
| 17 August 2017 | Council request for additional information |
| 8 September 2017 | Initial meeting with Council Planners and Proponent |
| 19 January 2018 | Response to request for additional information submitted to Council |
| 14 February 2018 | Second meeting with Council Planners and Proponent |
| 25 May 2018 | Second response (amended Submission) to request for additional information submitted to Council |
| 24 September 2018 | Waverley Local Planning Panel meeting, additional information requested |
| 12 October 2018 | Third meeting with Council Planners and Proponent |
| 5 November 2018 | Third response (amended Submission) submitted to Council, and forwarded to the Waverley Local Planning Panel |
| 24 January 2019 | Final Advice received from the Waverley Local Planning Panel |
| 5 March 2019 | Reported to March Strategic Planning and Development Committee |
| 22 March 2019 | Proponent lodges request for Rezoning Review |
| 7 May 2019 | This Proposal is reported to May Strategic Planning and Development Committee |
| 8 May 2019 | Council submits this Proposal to the DPIE |
| 18 October 2019 | Rezoning Review determined by the State Panel. Not supported to proceed to Gateway determination |
| 5 December 2019 | DPIE request for additional information for this Proposal |
| 20 April 2020 | Response to RFI from Proponent received |
| 8 July 2020 | Conditional Gateway determination received |
| 15 February 2021 | Additional information provided by Proponent, inclusive of updated masterplan |
| 2 March 2021 | Site Specific DCP endorsed by Council for exhibition |
| 20 May 2021 | Public exhibition commenced |
| 4 July 2021 | Public exhibition concluded |
| 17 August 2021 | Post-exhibition Report adopted by Council |

c. Support of the Waverley Local Planning Panel

On 24 September 2018 the Waverley Local Planning Panel (WLPP) reviewed the Proponent’s Submission as well as an assessment report that outlined suggested amendments. On 24 January

2019 the final advice of the WLPP was provided to Council that the Panel did not support the Proponent's Submission being forwarded to the DPIE, however it did support the amendments as described in the Council's assessment report.

This Planning Proposal proposes the amended standards and controls as presented to and supported by the WLPP. The minutes and final advice of the WLPP can be found in Appendix 2 and 3.¹

¹ **Note:** The WLPP advice and minutes refer to the Proponent's Submission as 'the Planning Proposal'. Council's proposed amendments were provided in the assessment report.

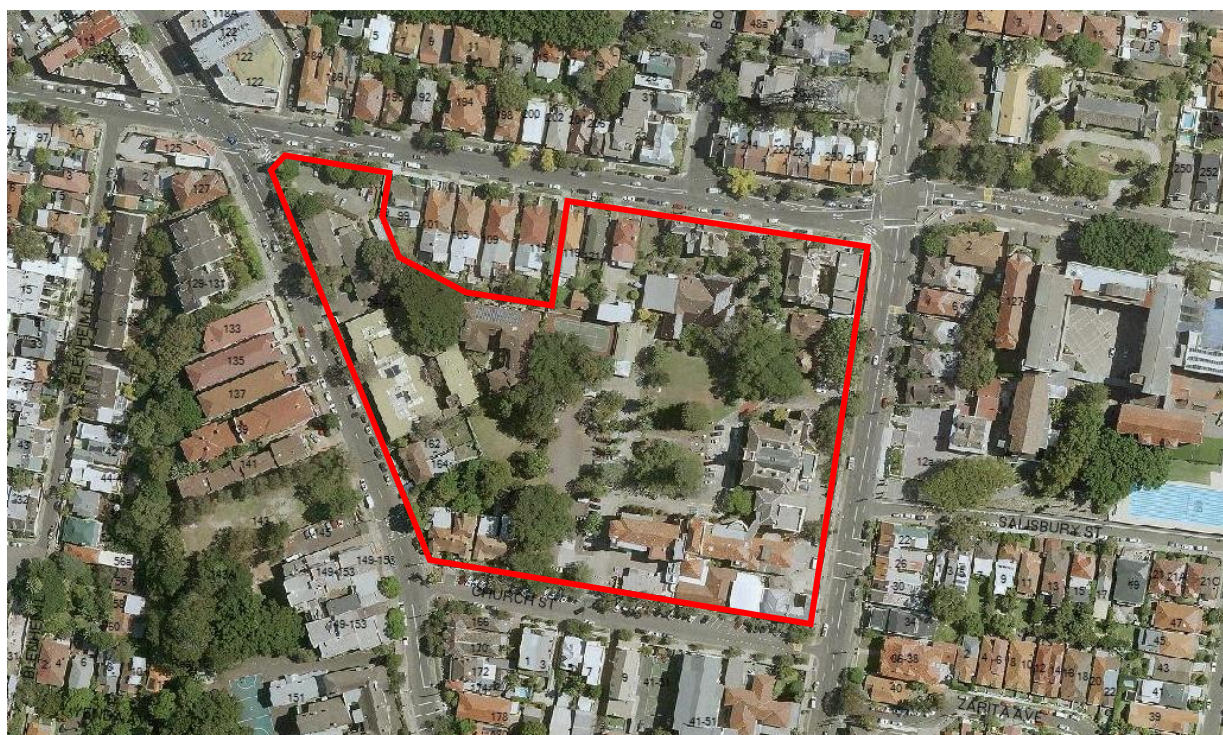
DESCRIPTION OF SITE

a. Affected Land

The subject site is located in the suburb of Waverley with an approximate area of 3.2 hectares, and is bound by Carrington and Bronte Roads, and Birrell and Church Streets. The site slopes from Carrington Road (100m AHD), downwards towards Bronte Road (86m AHD).

The Proposal seeks to facilitate the redevelopment of the site to update and expand the existing services, and to retain and enhance the outstanding heritage and environmental significance of the site.

Figure 2 - Aerial of the subject site



Source: Waverley Council 2018

This Planning Proposal applies to the following parcels in the layout Lot/DPs:

| | |
|-----------|-----------|
| 1/172133 | A/317831 |
| 1/567694 | 1/212655 |
| 1/948186 | 1/166786 |
| 2/1061588 | 1/1115706 |
| 3/667555 | 1/630460 |
| 2/1061548 | 2/630460 |
| 1/1061548 | 1/167332 |
| 7/948185 | 1/1098550 |
| B/317831 | 2/1098550 |
| 3/593710 | 3/1098550 |
| 4/593710 | |

b. Current Planning Controls

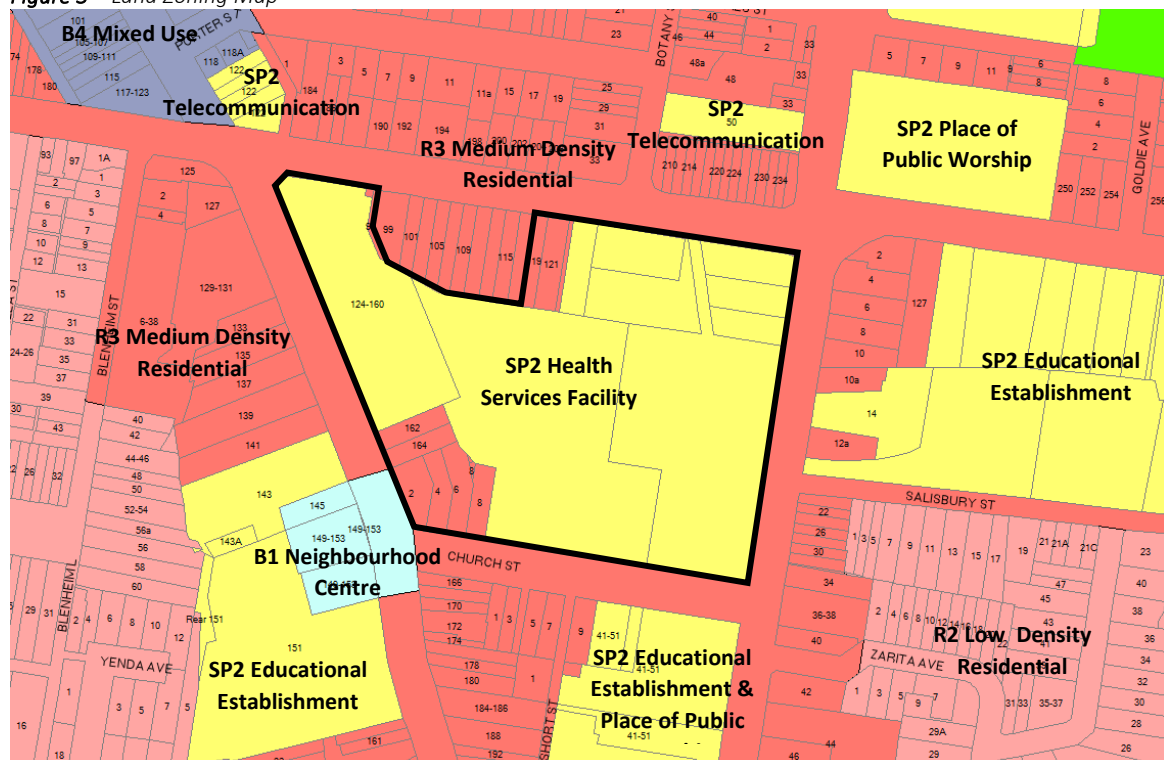
The primary environmental planning instrument that applies to the site is the WLEP2012. The site comprises three locally listed heritage items in Schedule 5 of the WLEP2012:

- I449 - War Memorial Hospital Group - Late Victorian buildings and former stables
- I519 - War Memorial Hospital Grounds - Landscape
- I473 – 2-8 Church Street, Federation style semi-detached residences

The key statutory controls are described in Table 3 below.

| | Existing | Surrounds |
|------------------------------|---|---|
| Zone | SP2 Health Services Facility R3 Medium Density Residential | R3, SP2 and B1 Neighbourhood centre |
| FSR | 0.6:1 & 0.9:1 | 0.6, 0.9 & 1:1 |
| Height | 9.5 & 12.5m | 9.5 & 12.5m |
| Prevailing built form | 1, 2, 3 and 4 storey | 1-2 storey dwellings, 3-4 storey flats and large institutional buildings (schools and courthouse) |

Figure 3 – Land Zoning Map



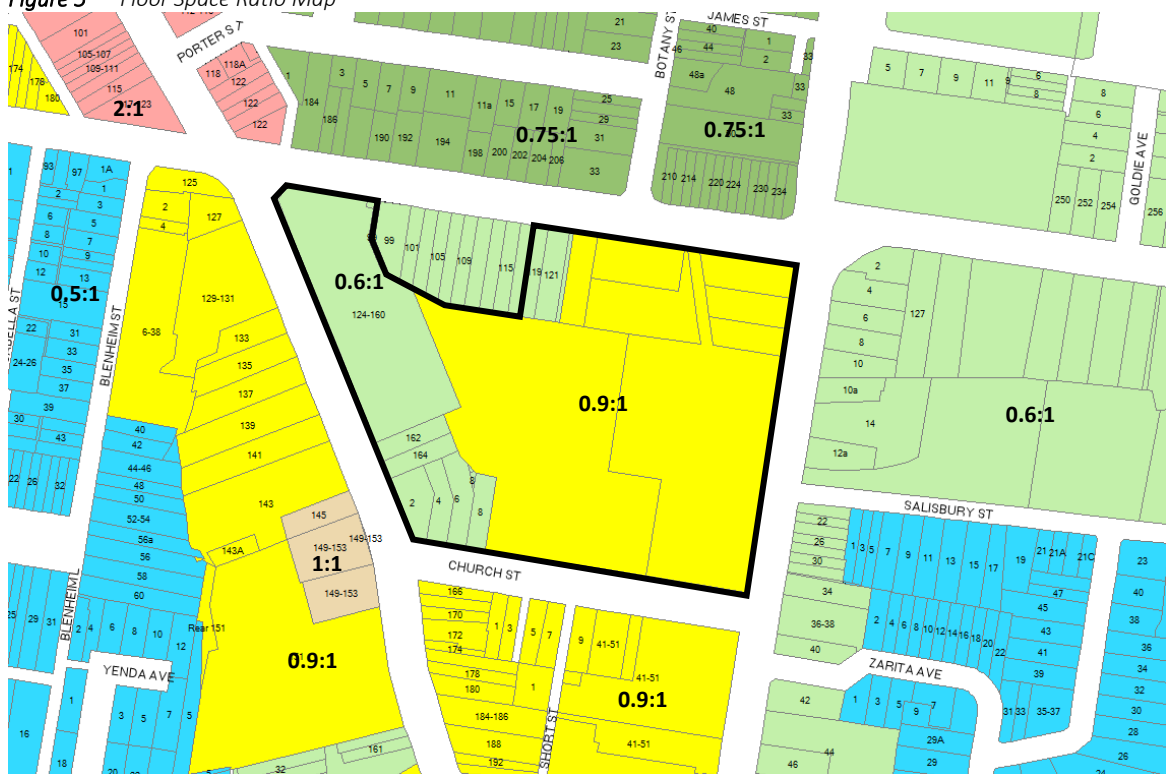
Source: Waverley Local Environment Plan 2012

Figure 4 – Height of Buildings Map



Source: Waverley Local Environment Plan 2012

Figure 5 – Floor Space Ratio Map



Source: Waverley Local Environment Plan 2012

Figure 6 – Heritage Map



Source: Waverley Local Environment Plan 2012

Figure 7 – Habitat Corridor and Significant Trees



Source: Waverley Development Control Plan

The Waverley Development Control Plan 2012 identifies a Habitat Corridor that runs through the site, and the Significant Tree Register identifies at present four significant trees on the site, in addition to the two Norfolk Pines that form part of the heritage listing. The site has outstanding environmental features, including many significant trees and shrubs, as well as landscaped areas that contribute to a leafy and natural feel as well as an important Habitat Corridor.

Council’s Significant Tree Register is currently being reviewed and is subject to change within the duration of this Proposal.

c. Existing Development on the site

The existing development on the subject site includes approximately 28 buildings including the War Memorial Hospital, Edina residential aged care facility, independent living units and detached dwellings.

The site comprises a number of heritage items as outlined below.

War Memorial Hospital Group – WLEP2012 Item 449

Figure 8 - War Memorial Hospital Group (except stables)



Source: Hector Abrahams, 2017.

The buildings that form the War Memorial Hospital Group are heritage listed, as outlined in Table 4 below.

| Table 4 – Buildings forming the War Memorial Hospital Group listing | | | | |
|--|---|--|--------------|----------|
| Item Name | Statement of Significance | Current Use of Building | Significance | |
| | | | LEP | SHI |
| Group | Outstanding historic grouping incorporating three magnificent late Victorian buildings and former stables. Complete as a group and essentially intact despite some loss of integrity. Earlier buildings retain much of their original setting, and more recent buildings reasonably sympathetic in their design and siting. Special social and historic significance for the long association of the site and the hospital with the Vickery family. Original gates and associated fencing of special note. (See accompanying forms for individual buildings and grounds). State significance. | The Group forms part of the Uniting Waverley site. | Local | State |
| Edina | Outstanding Late Victorian "Boom Style" mansion. One of the grandest ever built in Waverley and certainly the best surviving. Exterior appears essentially intact. Attractively set in its original grounds. Considerable social and historical interest for its association with the Vickery family. The key building in the present hospital grouping. State significance. | The former Vickery residence (originally known as "Edina") and other buildings built by the Vickery family comprise important built components within the site. The Vickery building is used partly for administrative and meeting functions allied to the Hospital and also includes a renal dialysis unit. | Local | State |
| Ellerslie | Remains an outstanding example of late Victorian architecture despite some loss of integrity. Considerable historical interest for its long association with the Vickery family. Important part of the hospital group, complementing "Banksia" and "Wytchazel" opposite. Regional significance. | The building provides administrative services to the site. | Local | Regional |
| Banksia and Wytchazel | Impressive, late Victorian, semi-detached villa. Essentially intact and one of the best surviving examples in the Waverley Council area. Historical interest for its long association with the Vickery family and the hospital. Part of the hospital group, complementing "Ellerslie" opposite. Regional significance. | A commercial lease is in place for this building. | Local | Regional |
| Morgan Building (Maternity Buildings) | Good example of a 1930's institutional building. Limited architectural interest due to some loss of integrity, but special historic and community interest as part of the hospital group. Helps frame the garden area to "Edina" and remains | The Morgan Building contains the hospital facility. It is a good example of a 1930's institutional building. | Local | Local |

| | | | | |
|----------------|--|--|-------|-------|
| | reasonably sympathetic in its scale and styling. Local significance. | | | |
| Former Stables | Important element in the historic "Edina" grouping, as an original outbuilding. Integrity compromised, but much of the original fabric survives and the original form and function may still be appreciated. Local significance. | It is currently used as a staff training centre. | Local | Local |
| Chapel | Unusual brick chapel with considerable charm. Part of hospital group and complementing twentieth century and earlier buildings nearby. Local significance. | Religious Services | Local | Local |
| Bungalow | Part of the hospital group and fitting in reasonably well with the older buildings nearby. Good, late example of the Federation bungalow style. Local significance. | | Local | Local |
| Cottage | Part of the hospital group with limited interest of its own. Local significance. | | Local | Local |

War Memorial Hospital Landscape – WLEP2012 Item 519

Figure 9 - War Memorial Hospital Grounds



Source: JBA, 2017.

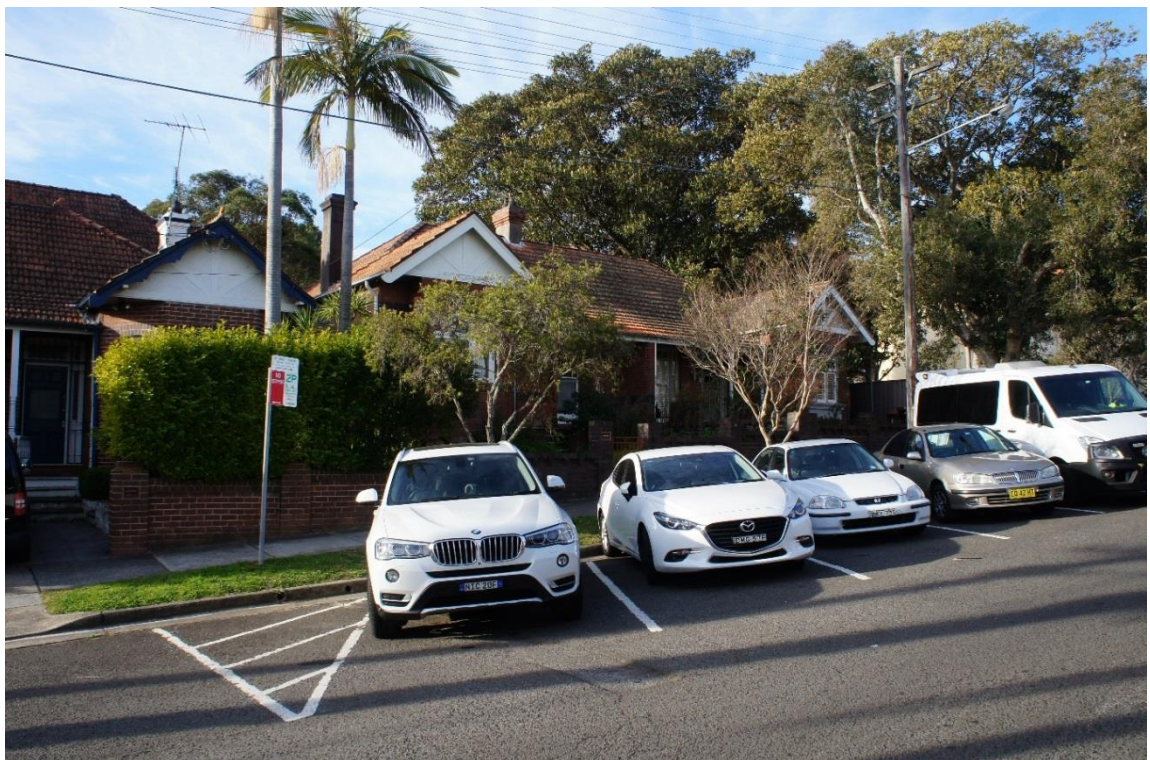
| Item Name | Statement of Significance | Current Use | Significance | |
|-------------------------------|--|--|--------------|-------|
| | | | LEP | SHI |
| War Memorial Hospital Grounds | Fine grounds with elegant lawn and majestic trees of considerable age. Forming an impressive setting to an outstanding grouping of Victorian period buildings. Rare example of a Late Victorian mansion conserving original grounds and setting. State significance. | The associated grounds / landscape is utilised by patients and visitors within the facility. | State | State |

2-8 Church Street – WLEP2012 Item 473

Figure 10 - 2-8 Church Street



a) 2 – 4 Church Street



b) 6 – 8 Church Street

Source: Waverley Council, 2018.

| Item Name | Statement of Significance | Current Use | Significance | |
|-------------------|--|--|--------------|-------|
| | | | LEP | SHI |
| 2-8 Church Street | Excellent pair of Federation style semi-detached featuring some outstanding and individual detailing. Local significance | These residences are owned by Uniting and currently utilized as dwellings. | Local | Local |

Other buildings

Various other buildings across the site include:

- A number of single storey buildings including various community functions including a Men’s Shed, Day care and outpatient rehabilitation including senior’s gym.
- Bushell & Johnson rental apartments.
- Residential aged care buildings including the Edina building addressing Bronte Road.
- The former theatre block is a link building adjoining both Vickery and Morgan Buildings. Associated workshops and maintenance areas.
- Hunter Lodge.

d. Surrounding Context

The site is bounded by two arterial roads, one collector road, and a local street. The site interfaces with four existing streetscapes and has the potential to impact on the character of these areas. The site must consider the four ‘contexts’ or ‘streetscapes.’ These are:

- Bronte Road – Mixed Use Street;
- Birrell Street – Residential Street;
- Carrington Road – Mixed Use Street; and
- Church Street – Mixed Use Street.

Bronte Road – Mixed Use High Street

The two-storey Edina Aged Care building, Bushell and Johnson apartments and several single storey dwellings face Bronte Road. The existing streetscape along this section of Bronte Road ranges from the single and two-storey buildings on the WMH site to 3-4 storeys on the western side of the road, with a mix of residential apartments, single dwellings, and institutional buildings.

The built form on both the eastern and western sides of the road have moderate to significant setbacks which has allowed for mature tree growth and a sense of space for pedestrians on the footpath. The distance between buildings allows for ample light to filter onto the road and creates a pleasant streetscape.

Figure 11 - Bronte Road streetscape



a) View of the heritage listed gates at the intersection of Birrell Street and Bronte Road



b) View of the heritage listed gates at the intersection of Birrell Street and Bronte Road



c) View south along Bronte Road. The subject site is to the left with significant tree planting, and the two storey residential units.



d) View south along Bronte Road. Residential flat buildings line the western side of Bronte Road and are setback from the street.



e) View north along Bronte Road, showing mature tree planting and setbacks to both sides of the street



f) View north along Bronte Road, showing mature tree planting and setbacks to both sides of the street

Source: Waverley Council, 2018.

Birrell Street – Residential Street

The two-storey Banksia and Whychazel and Ellerslie buildings, the two/three storey Hunter lodge buildings, and a row of semi-detached dwellings front Birrell Street. The existing streetscape along this section of Birrell Street comprises a mix of single storey semi-detached dwellings and two-storey buildings on the southern side of the street and 2-3 storey apartments, detached houses and terraces on the northern side of the street. The northern side of Birrell Street is the commencement of the *Botany Street Heritage Conservation Area* (refer to Figure 5). The Statement of Significance as outlined in the inventory sheet for the area is:

The urban form of the Botany Street Heritage Conservation Area is the result of late 19th and early 20th Century subdivision of remaining open lands to the eastern periphery of Bondi Junction. The building streetscape is diverse and although buildings are not consistent to adjoining developments, they form a cohesive streetscape combining a variety of styles, materials and distribution of buildings along the street.

The range and compatible residential types from 1890's to 1940's records the consolidation of open lands about Bondi Junction following the establishment of regular tram services. The conservation area includes representative examples of varied styles from Victorian filigree through the Inter War Art Deco. The area retains notable streetscapes, characterised by the width of road easements and the quality of residential groupings.

Figure 12 - Birrell Street streetscape



a) View west from intersection of Birrell Street and Carrington Road showing the corner of the War Memorial Hospital Site.



b) View west along Birrell Street.



c) Terrace houses to the north of Birrell Street.



d) View west along Birrell Street showing district views and wide streetscape.



e) View west along Birrell Street showing wide streetscape, typical residential flat building development to the north, and the line of semi-detached dwellings as part of the subject site.



f) View of the semi-detached dwellings that form part of the subject site.



g) View of part of the heritage listed fence at the intersection of Bronte Road and Birrell Street.



h) View east along Birrell Street showing slight incline, wide streetscape and mature planting.

Source: Waverley Council, 2018.

Carrington Road – Mixed Use Street

The two-storey former stable building, two/three storey Hunter lodge buildings, the two-storey Vickery building, single storey chapel and early onset dementia building front Carrington Road. The existing streetscape along this section of Carrington Road ranges from mostly single storey detached and two storey attached dwellings on the eastern side and two-storey institutional buildings on the WMH, western side of the street.

Figure 13 - Carrington Road streetscape



a) View looking north along Carrington Road at the corner of Church Street.



b) View looking north along Carrington Road showing the single to two storey dwellings to the east, and the out of character five storey school building.



c) View north along Carrington Road showing mature and significant foliage within the subject site.



d) View looking south along Carrington Road at the corner of Birrell Street.

Source: Waverley Council, 2018.

Church Street – Mixed Use Street

The two-storey old stable building, hydrotherapy building, single-storey support facility and semi-detached dwellings front Church Street. The existing streetscape along this section of Church Street ranges from 2-3 storey dwellings and institutional buildings on the southern side and single storey dwellings and two-storey institutional buildings on the northern side of the street. The southern side of Church Street is the commencement of the *Charing Cross Heritage Conservation Area* (refer to Figure 6). The Statement of Significance as outlined in the inventory sheet for the area is:

The streetscape retains notable 19th and early 20th century buildings of both state and local heritage significance. The high integrity of built form in the area records the historic evolution of a place from an early village east of Sydney. The layered fabric dominated by Federation Style buildings indicates a streetscape generated by tram transport beginning in the 1880s. The slowing of growth in post-World War Two ensured the preservation of Waverley's earliest history.

Figure 14 – Church Street streetscape



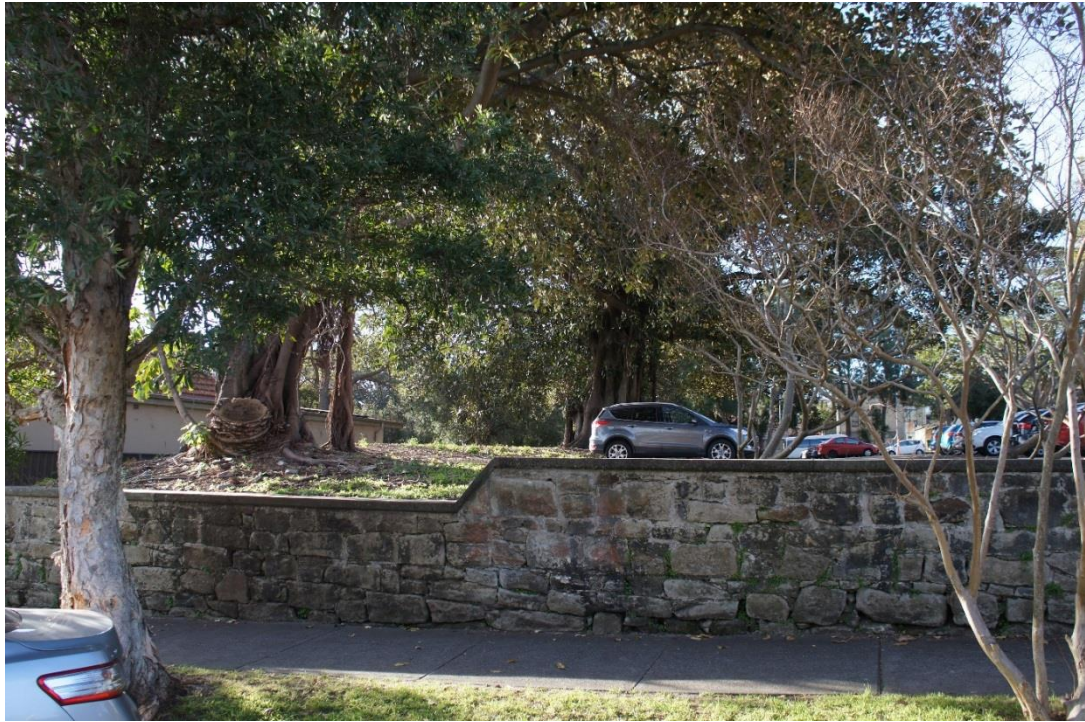
a) View east along Church Street showing mature tree canopy and wide street with parking.



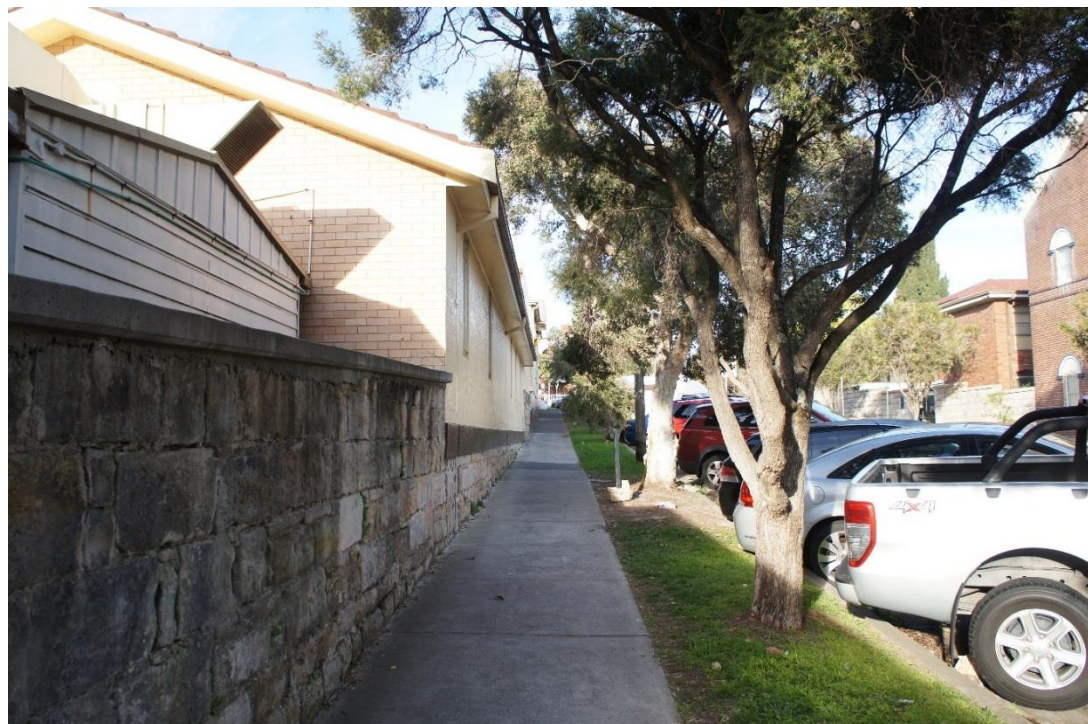
b) *Heritage Item 472 at 1-3 Church Street with significant contributory character to the south of Church Street.*



c) *View east along Church Street showing mixed character of buildings to the south of the street, with residential and institutional buildings.*



d) View of historic wall and the two trees of Exceptional Heritage Significance as identified in Figure 16 from the 2017 Heritage Conservation Management Plan.



e) View east along Church Street showing infill development behind the War Memorial Hospital Building.



f) St Clare's College to the south of Church Street



g) St Clare's College to the south of Church Street.



h) View to the Heritage Listed Stables at the corner of Church Street and Carrington Road.



i) View west along Church Street showing significant view of sky and tree canopy.

Source: Waverley Council, 2018.

District Views to the Site

The 2017 CMP submitted by the proponent notes that the site is identifiable from locations in the district due to the landmark qualities of the Norfolk Pine trees. The images below demonstrate that the Pines can be clearly seen from a number of nearby locations and notable public open spaces including Centennial Park and Queens Park.

The 2017 CMP notes that the landmark quality of the Pines is to be protected and not challenged by new built form.

Figure 15 – District Views to the Site



a) View east along Birrell Street near Rawson Avenue showing landmark qualities of the two Norfolk Pines that form part of the Landscape Listing.



b) View from Centennial Park near York Gates entrance showing the Norfolk Pines



c) View from Centennial Park near York Gates



d) View from Queens Park towards the site showing the two Norfolk Pines.

Source: Waverley Council, 2018.

e. Recent Development

There have been no major DAs or works at the subject site in recent years. Minor works include pruning and removal of trees, installation of signage and fire sprinklers.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 Description Statement

To amend the *Waverley Local Environmental Plan 2012* (WLEP2012) to enable the redevelopment of the War Memorial Hospital site to:

- Ensure the retention and ongoing functioning of the hospital.
- Maintain the unique heritage and environmental significance of the site.
- Increase public accessibility within the site.
- Allow the expansion of the existing aged care and seniors living uses, including affordable housing options.
- Provide for additional ancillary and associated uses to support the functioning of the primary uses on site.
- Ensure that the site achieves positive environmental outcomes.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Draft Development Standards

The proposed changes to the *Waverley Local Environmental Plan 2012* (WLEP2012) are as follows:

1. The following Additional Permitted Uses to apply to the SP2 zoned land as follows:
 - Seniors housing
 - Community facilities
 - Centre-based child care facility
2. Include the site on the Key Sites Map to refer to a site-specific incentive provision.
3. Create a new Alternative Height of Buildings Map and identify the site to show an alternate height of 15m and 21m.
4. Create a new Alternative Floor Space Ratio Map and identify the site to show an alternate maximum FSR of 1.2:1.
5. Create a new site-specific provision that:
 - (a) Provides objectives for the redevelopment of the site
 - (b) Applies Clause 6.9 Design Excellence to the site.
 - (c) Sets out the requirements of a Site Specific DCP for the site.
 - (d) Excludes the application of 'Part 6 Development of Vertical Villages' in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* from being applicable in the instance that any development seeks to utilise the Alternative Building Height and Alternative Floor Space Ratio.
 - (e) Provides for an incentive provision that sets out requirements for:
 - iv. Deep soil provision
 - v. High performance building standards
 - vi. Minimum floorspace for the purposes of a residential care facility

In order to achieve the development standards of:

- iii. Alternative Building Height of 15m and 21
- iv. Alternative Floor Space Ratio of 1.2:1

These development standards are discussed in more detail in Part 3 of this Planning Proposal, and for the purposes of explanation an example of a draft site-specific provision is provided in Appendix 5.

PART 3 – JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL

3.1 Is the planning proposal a result of any strategic study or report?

On 4 July 2017, Council received a request to prepare a planning proposal (the Submission) for the site known as the Waverley War Memorial Hospital Campus. The Submission sought to amend the WLEP2012 as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m to enable a use in an adjacent zone to be permissible, to allow ‘flexibility in the case a more appropriate and logical built form outcome can be achieved with minor encroachment into the surrounding SP2 zone.’ That is, to effectively permit the R3 zone to extend 20m into the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply to the site as follows:
 - Seniors housing (in the SP2 zone);
 - Community facilities (in the SP2 zone);
 - Centre-based child care facility (in the SP2 zone);
 - Retail premises (capped at 450sqm)(in the R3 and SP2 zone);
 - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
 - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
 - Serviced apartments (provided the use is ancillary to the health services facility);
 - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

To support the 2017 Submission, several documents were prepared by the Proponent for the site including:

- Uniting Waverley Planning Proposal
- Uniting Waverley Master Plan
- Communication and Engagement Report
- Heritage Conservation Management Plan
- Landscape Master Plan
- Heritage Impact Statement
- Traffic Impact Assessment
- Site Contamination Assessment
- Arborist Report
- Peer Review and Photomontage Certification

The Submission made by the Proponent put forward a range of proposed development standards and controls that Council did not support. These proposed provisions were also not supported by the Waverley Local Planning Panel (WLPP), or the Sydney Eastern City Planning Panel (State Panel).

In 2019 the Submission was subject to a Rezoning Review process. The Sydney Eastern City Planning Panel (State Panel) did not support the Submission, however did support an amended version of the

Submission to a maximum height of 15m and 21m, and a maximum FSR of 1.2:1. The Proponent made a revised Submission (April 2020) with new documentation to support the amended scheme inclusive of the following:

- Built Form Assessment and Urban Design Study
- Heritage Statement
- Conservation Management Plan (2005) Part 1 and Part 2
- Phase 1 Environmental Site Assessment
- Traffic/Transport Impact Assessment
- Response to request for additional information

Following conditional gateway determination in July, subsequent further updated documents were provided in February 2021. The documents included:

- Planning Proposal Report
- Uniting Waverley Urban Design Report
- Response to request for additional information
- Landscape Design Statement
- Heritage Impact Assessment
- Arborist Report
- Traffic/Transport Impact Assessment

This Proposal seeks to facilitate the amended scheme.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcomes for this Planning Proposal are to:

- Ensure the retention and ongoing functioning of the hospital.
- Maintain the unique heritage and environmental significance of the site.
- Increase public accessibility within the site.
- Allow the expansion of the existing aged care and seniors living uses, including affordable housing options.
- Provide for additional ancillary and associated uses to support the functioning of the primary uses on site.
- Ensure positive environmental outcomes for the site.

The continued use of the site as a health services facility is an important service to the Eastern Suburbs community, as well as providing options for local residents to age-in-place. To ensure that such an important community use is retained and supported in this location in Waverley, an amendment to increase the capacity of the site is an adequate means to achieve the intended outcomes and will allow for the more efficient assessment of Development Applications in the future.

This Planning Proposal is the best means of achieving the intended outcomes for the site, as this Planning Proposal will:

- Ensure the retention and ongoing functioning of the hospital by:
 - Retaining the land use zoning of SP2 Infrastructure Health Related Uses to ensure that the primary use of the site will be ‘health related uses’ and anything normally ancillary to this, and

- Allowing additional development capacity across appropriate locations on the site to provide expanded health services.
- Maintain the unique heritage and environmental significance of the site by:
 - Providing an appropriate maximum height of building so as not to overwhelm the individual heritage items on the site
 - Providing a minimum deep soil zone for the site to retain mature trees and significant plantings that form part of the Habitat Corridor along the site.
- Increase public accessibility within the site by:
 - Providing a maximum FSR consistent with the maximum height of building, and a minimum deep soil zone, that will result in a reduced building footprint to maintain open space around the buildings to provide for significant planting and landscaping.
 - Providing a site specific DCP to require public access to the site through design.
- Allow the expansion of existing aged care and seniors living uses by:
 - Maintaining the current zoning of the site, and adding Seniors Housing to Schedule 1 Additional Permitted Uses to ensure that the use of the site for this purpose is abundantly clear.
 - Allowing additional development capacity across appropriate locations on the site to provide expanded health services, aged care and seniors housing options, including affordable options.
 - Including a proposed provision which provides for a minimum requirement of floor space to be utilised for the purposes of a residential care facility.
- Provide for additional ancillary and associated uses:
 - This is currently permitted on the site, provided the use is demonstrably ancillary and associated to the functioning of either the hospital or seniors housing.
- Ensure positive environmental outcomes for the site by:
 - Providing a minimum deep soil zone for the site, and requiring all new buildings on site to meet additional sustainability targets as outlined in the *Waverley Local Strategic Planning Statement (March 2020)* (LSPS).
 - Requiring new development on site to be provided to a high-performance building standard, to reduce operational water and energy usage on-site, and to minimise embodied carbon. This is in accordance with the Principles for Change on p17 of the LSPS.

3.2.1 Demand for redevelopment

Demand for Residential Accommodation

As outlined in the *Draft Waverley Local Housing Strategy* (LHS), Waverley is set to achieve the 5 year residential housing targets as set by the Eastern City District Plan, and can comfortably meet its 6-10 and 20 year housing targets without the subject site being redeveloped for residential purposes.² Accordingly the site is not required to provide increased general residential densities for Waverley to achieve the residential targets for the area.

Demand for Seniors Housing and Aged Care Facilities

The District Plan identifies an 102% increase in people aged 85 and over, and a 64% increase in the amount of people aged between 65-84 by 2036. The strong growth in couple-only households (increasing by 31,750 households by 2036) also indicates that a portion of these couples are likely

² Waverley Council, 2020, *Draft Waverley Local Housing Strategy*.

‘empty-nesters’, as opposed to ‘double-income-no-kids’ couples, and will require homes and aged care facilities.

The population in Waverley aged over 65 years is projected to increase by 38% by 2036 to a total of approximately 8,800 residents.³ With this increase in seniors population, the need for additional community health and aged care services and seniors residential facilities in the LGA is likely to increase. The allocation for aged care residential facilities set by the Australian Government is 80 beds per 1,000 people for population aged over 70 years.

The demand for these services however is not isolated to Waverley residents, and facilities that address this need will help to serve the population of the Eastern Suburbs and Inner City. Currently within the Eastern Suburbs there are 16 facilities providing Residential Aged Care (RAC) in Waverley, Randwick and Woollahra offering 1,200 beds.⁴ Table 7 outlines the projected demand and increase of Aged Care beds and Independent Living Units (ILUs) to 2036. This reveals a projected shortage of 1,880 RAC beds in the Eastern Suburbs alone.

| Table 7 - Projected Demand for Aged Care and Seniors Living Services in Eastern Suburbs⁵ | | | |
|--|--------------------------------|-------------------|--|
| Year | Population aged over 70 | Demand | Supply-demand gap |
| Residential Aged Care (RAC) Demand - Currently 1,200 (beds) | | | |
| 2016 | 25,300 | 2,176 (beds) | <i>Current Shortage 976 (beds)</i> |
| 2036 | 38,500 | 3,080 (beds) | <i>Projected Shortage 1,880 (beds)</i> |
| Independent Living Unit (ILU) Demand | | | |
| 2016 | 25,300 | 1,442 (dwellings) | |
| 2036 | 38,500 | 2,888 (dwellings) | <i>1,446 increase (dwellings)</i> |

This Planning Proposal aims to increase the provision of co-located health services, aged care facilities and senior’s residential development that is accessible to goods and services and community facilities, and will help to achieve the projected needs for the area.

Whilst this development site cannot possibly address demand for seniors housing provision for all of the Eastern Suburbs, it is an optimal location to provide these types of services and accommodations as it is centrally located, near public transport, retail and services. It is imperative that this site is reserved solely for RAC and ILUs in order to ensure the optimal provision of seniors and aged care facilities. Other residential uses such as ‘residential flat buildings’ or ‘boarding houses,’ which make competitive financial returns, are not supported on the site.

To ensure the provision of aged care services is provided as part of any future redevelopment of the site, a site-specific provision is proposed, requiring a minimum of 5500 square metres to be provided for the purposes of a residential care facility. This minimum floor space requirement has been calculated on the floorplate of the central building displayed in the *Urban Design Report* (Attachment D) and equates to a total of 3 stories within that building, excluding walls and circulation and aligns with the proposed number of aged care beds outlined in the *Urban Design Report*. This is also supported by a proposed objective within the site-specific provisions, which seeks “to ensure the continuation of the delivery of vital health and social infrastructure on the site”.

³ Waverley Council, 2016, Research Report: The support and accommodation needs of older residents and the anticipated impacts of aged care reform.

⁴ Ibid.

⁵ Waverley Council, 2016, Research Report: The support and accommodation needs of older residents and the anticipated impacts of aged care reform.

3.2.2 Heritage

Two Conservation Management Plans (CMP) have been prepared for the site. In 2005 John Oultram and Susan O’Neill prepared the *Waverley War Memorial Hospital Conservation Management Plan and Development Strategy* (Attachment F), and in 2017 Hector Abrahams Architects prepared the *Uniting (NSW) Waverley War Memorial Hospital Site Conservation Management Plan* (Attachment G). The Opportunities (2005 CMP) and Policies (2017 CMP) are generally in alignment and support appropriate redevelopment of the site. The Opportunities and Policies are outlined in the following section. To ensure that the future development of the site respects the heritage significance of the site, the Site Specific DCP will be modelled on the Opportunities and Policies.

Waverley War Memorial Hospital Conservation Management Plan and Development Strategy (2005)

The 2005 CMP report concludes that “the Waverley War Memorial Hospital is a place of **very high cultural significance** and one that should be conserved.”

The report puts forward an argument for the potential development of the site that can:

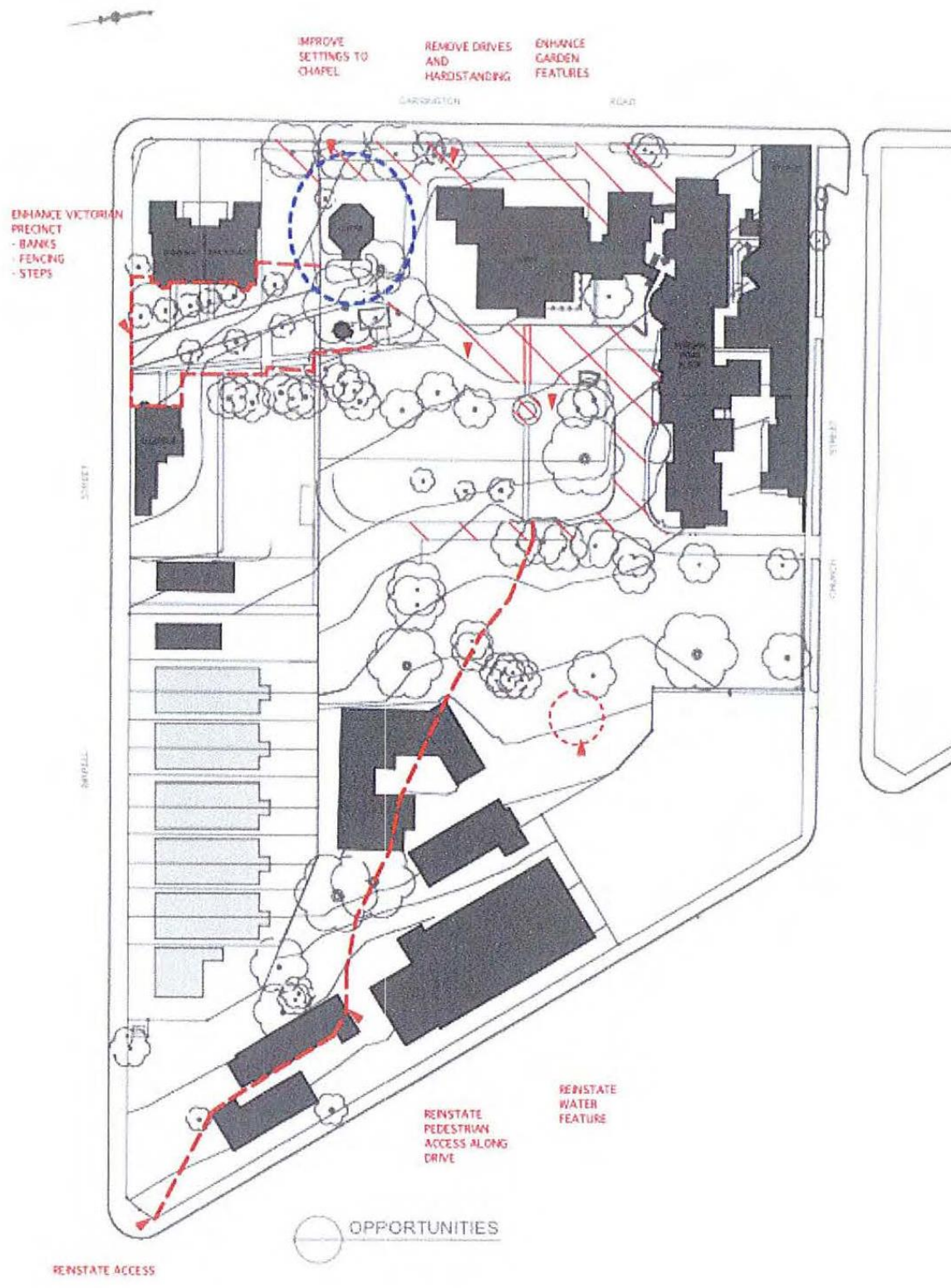
- *Maintain its cultural significance*
- *Provide a critical mass of accommodation on the site to allow its feasible use*
- *Provide the basis for discussions with the statutory authorities for master planning the site*
- *Allow the opportunities to enhance the cultural significance of the site to be realised*

A number of Opportunities are outlined in the 2005 CMP for the redevelopment of the site, as follows:

- Limit the use of the heritage buildings of associated medical support uses (e.g. Doctors’ rooms)
- Demolish intrusive elements attached to the heritage buildings
- Demolish intrusive buildings of low significance to improve the setting of the buildings of higher significance
- Remove hardstanding areas around Edina
- Rationalise parking and site access by providing underground car parking
- Enhance the setting of the Victorian precinct by reinstating some of the garden elements
- Enhance the setting of the Vickery Chapel
- Reinststate access from the main entry gates
- Reinststate a pedestrian drive from the original gates to the formal garden
- Reinststate earlier plantings in the lower gardens
- Reinststate earlier garden features (e.g. ponds, steps)

These opportunities are illustrated in Figure 15.

Figure 16 – Opportunities for Redevelopment



Source: John Oultram and Susan O'Neill, 2005

Uniting (NSW) Waverley War Memorial Hospital Site Conservation Management Plan (2017)

The 2017 CMP was prepared for the Proponent by Hector Abrahams to support the Submission in 2017. The 2017 CMP identifies the significance of buildings, trees, landscape elements and spatial arrangements across the site (Figure 17). The 2017 CMP presented is comprehensive and Waverley Council and the WLPP are supportive of the Policies identified in the 2017 CMP (Table 8) to protect and enhance the significance of the site.

| Table 8 – Conservation Management Plan Policies and how this Proposal seeks to address the Policies | |
|---|---|
| Conservation Management Plan Policy | Proposal response |
| Definition of Place, Curtilage and Setting | |
| Policy 1: The place and curtilage should be defined as that part of the Edina estate which became the War Memorial Hospital in 1922. The setting should be defined as the original Edina estate boundaries and the streets which surround those boundaries: Bronte Road, Birrell Street, Church Street, and Carrington Street. | The Draft Site Specific DCP references the estate boundary as the whole urban block. It would be encouraged that any redevelopment of the site interpret this setting through landscaping, public artworks, or the like. |
| Policy 2: The name of the place "Waverley War Memorial Hospital" should continue to refer to the nature of the original hospital's establishment as a memorial to the First World War. | The Draft Site Specific DCP refers to the site as the Waverley War Memorial Hospital, again with encouragement that this be interpreted on the site somehow. In addition, there is proposed to be no change of use of the site to maintain the historic significance of the use of the site as a hospital. |
| Significant Fabric, Views, Spaces and Spatial Relationships | |
| Policy 3: The fabric, views and spatial relationships ranked Exceptional and High should be conserved. They are: <ul style="list-style-type: none"> • Victorian buildings and estate planning: topography, plantings, fences, statuary and spatial order (including the private street, original drive and distinction of service areas (stables and kitchen) from formal areas; • War Memorial Hospital buildings of aesthetic importance: main building, chapel; • 1920s landscape items: palm trees, cast iron bollards, reconfigured gates to Birrell Street / Bronte Road and new gates to Carrington Road; • External views from Centennial Park of the Norfolk Island Pines; • Existing views of the houses along Birrell Street and tower from Carrington Street. | The Proposal provides sufficient development capacity to the edges of the site, as demonstrated in Section 3.2.4, to support the fabric of Exceptional and High significance to be maintained. <p>In addition, the Draft Site Specific DCP provides greater detail around the specific fabric and spatial relationships to be maintained and conserved.</p> <p>The proposed maximum permissible height of 21m does not impede the view of the two Norfolk Pines from Centennial Park.</p> |
| Uses and Governance | |
| Policy 4: The existing institutional governance and hospital use is a historic use that should be continued. | The proposal maintains the existing zoning to ensure the hospital will remain in use as a hospital or health related use. This is further clarified in the Draft Site Specific DCP with reference to the historic importance of this. |

| | |
|---|---|
| <p>Policy 5: The historic use should be broadly defined to include uses related to health, aged care and training.</p> | <p>The SP2 zoning for the site permits health related uses, and other uses ordinarily ancillary to this use. There is no proposed changing to the zoning, other than to add seniors housing as a permissible use. The Draft Site Specific DCP provides more information around where seniors housing will be appropriate on the site.</p> |
| <p>Policy 6: The following historic spatial uses relating to the Victorian period should continue or be re-instated:</p> <ul style="list-style-type: none"> • early entrances and driveway; • upper garden areas as garden / passive recreation. | <p>The Draft Site Specific DCP identifies these historic spatial uses and that any development is to be arranged in a way that allows these spaces to be conserved and enhanced.</p> |
| <p>Interpretation and Reconstruction</p> | |
| <p>Policy 7: The place should be interpreted as the whole estate developed by the Vickery Family as a residence, and then as a result of a major gift, developed as a War Memorial Hospital.</p> | <p>The Draft Site Specific DCP references the estate boundary as the whole urban block, as well as the historic uses of the site. It would be encouraged that any redevelopment of the site interpret this history through landscaping, public artworks, or the like.</p> |
| <p>Policy 8: Creatively interpreting aspects of the history of the place should be considered as opportunities arise, including:</p> <ul style="list-style-type: none"> • Develop the site with an appreciation of its identity as a single planned estate; • Develop the site with an appreciation of the spatial order of the estate, which is contiguous over all of its history to date. | <p>The Draft Site Specific DCP includes this as a provision.</p> |
| <p>Policy 9: The following reconstructions, removals and plantings should be considered:</p> <ul style="list-style-type: none"> • Removal of glass portico to reveal front entrance of 1935 Hospital; • Replacement of concrete driveways with more sympathetic material; • Reconstruction of grass bank to western side of Edina; • Recreation of the original driveway path, in a manner similar to the original path (this would require the removal of buildings); • Reconstruction of lower garden area (currently a carpark) to a garden area; • Planting of trees which are missing from north west corner of the upper garden; • Construction of a built form to close north end of service space behind Edina (where a Victorian outbuilding formerly stood); • Construction of some built or garden form on site of original gatehouse (to mark entrance). | <p>The Draft Site Specific DCP includes this as a provision.</p> |

| Alterations to the Site (new buildings and landscape) | |
|---|---|
| <p>Policy 10: The siting of new buildings must respect the integrity of estate, its orthogonal and picturesque layouts, and the historic sequence of spaces. New buildings may be placed in the historic lower garden and service court spaces provided those spaces remain discernible. They may replace buildings assessed as being of moderate or low significance. New buildings should not be placed in the upper garden space.</p> | <p>The proposed height and FSR controls allow for new buildings to be predominantly focused to the perimeter of the site, as discussed in Section 3.2.4.</p> <p>In addition the Draft Site Specific DCP provides specific locations on the site where development will be appropriate to maintain the significance of the site.</p> |
| <p>Policy 11: the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.</p> | <p>The proposed maximum height of 21m does not challenge the height of the Norfolk Pines. The staged 15m and 21m heights allow new four storey buildings to be located near the heritage items, and consolidates greater heights to the Bronte Road frontage to minimise the impact on the heritage.</p> |
| <p>Policy 12: the character of new buildings and new landscape features should appear to be a development of the estate as a whole, in a similar way that the 1935 War Memorial Hospital appears in relation to Edina.</p> | <p>The Draft Site Specific DCP provides further detail around where development should be located on the site to appear as a redevelopment of the estate as a whole.</p> |
| <p>Policy 12 [sic]: Should works involve areas of potential archaeological deposits, plan for proper investigation and interpretation of those deposits.</p> | <p>This will be covered in the Draft Site Specific DCP and will likely form a condition of consent to any DA for the site.</p> |
| Technical Oversight and Review of plan | |
| <p>Policy 13: Involve the standard of professional and craft expertise appropriate to each grade of significance in each area of the site.</p> | <p>This may be considered at the DA stage to be a condition of consent to work closely with Council’s Heritage team to ensure that the significance of the site is maintained.</p> |
| <p>Policy 14: Review this plan in step with the timing of review of the strategic plan of the Hospital and its masterplan, or when works are proposed to fabric or spaces of Exceptional or High Significance.</p> | <p>This will not be addressed through Council’s planning framework.</p> |

Figure 17 - Significance Ranking of fabric and spaces



Source: Hector Abrahams 2017.

Figure 18 - Site plan illustrating conservation policies



Source: Hector Abrahams, 2017.

State Significance

Schedule 5 of the WLEP describes a number of the buildings on the site as having regional or state significance, and also describes the grouping of the Iron Fence, the Victorian Buildings and the Edina Building as having state significance.

In addition to this it is noted that the 2005 CMP describes the historic curtilage, and the 2017 CMP describes the place, as the whole site bound by Carrington and Bronte Roads and Birrell and Church Streets. This is due to the nature of the history of the development on the site, involving the subdivision of the site from one larger estate for residential development, and then the handing over of the site as a public institution.

3.2.3 Zoning

Permissibility – Current Uses

The amendment to Schedule 1 seeks to allow uses that aren't currently permissible in the SP2 Health Services Facility zone. Under the current zoning the following uses are deemed permissible with consent:

- Roads;
- The purpose shown on the Land Zoning Map (Health Services Facility), including any development that is ordinarily incidental or ancillary to development for that purpose.

The purpose shown on the Land Zoning Map is 'Health Services Facility'. The WLEP2012 defines 'health services facility' as:

Health services facility means a building or place that is:

a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital."*

Under the WLEP 2012 'residential care facilities' (i.e. aged care) are a type of 'seniors housing', as are independent living units (ILUs), which are considered 'a group of self-contained dwellings'. Neither of these uses are permissible under the current zone. These uses currently operate on the site under existing use rights and expansion of these uses would be permissible under Clause 42 of the *Environmental Planning & Assessment Regulations 2000*.

The retention of the SP2 Health Services Facility zoning of the site is the only instrument that ensures the continuation of the important community health and aged care facilities currently on the site, and protects the site from being changed to more profitable uses, such as residential uses for market-rate accommodation. Retaining the current zoning is the only lever to promote and secure an integrated health, aged care and seniors living precinct that serves the Waverley community (and the Eastern Suburbs) into the future. Retaining the current zoning also ensures that the historic use of the site as a hospital continues, which contributes to the heritage significance of the site.

Permissibility - Seniors Housing

The WLEP2012 defines 'seniors housing' as:

Seniors housing means a building or place that is:

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or*

- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Currently, seniors housing (unless it can be demonstrated to be incidental or ancillary to a health services facility) is not permissible with consent on land zoned SP2. This does not reflect one of the primary purposes of the site in its current state, or one of the key aims of the planning proposal which is to expand the ageing provision on the site.

The planning framework on the site must clearly allow the provision of seniors housing within the zone (SP2) which is overlaid across the majority of the site to ensure the intended outcome of expanding seniors housing can be realistically achieved.

On this basis a reliance on development which is incidental or ancillary to a health services facility is not the most appropriate way of achieving seniors housing on the majority of the site. It is ambiguous, based on subjective assessment and does not provide certainty on the provision of seniors housing on the site.

The use 'seniors housing' is proposed to be added to 'Schedule 1 Additional Permitted Uses' of the WLEP 2012 to ensure abundant clarity for the future of the site. Permitting 'seniors housing' under *Schedule 1 Additional Permitted Uses* ensures that Waverley can meet the demand for its aging population into the future. It is noted that the current site has two areas that are R3 Medium Density Residential fronting Bronte Road, Church Street and Birrell Street.

The inclusion of seniors housing as an additional permitted use on the land zoned SP2 responds to the forecasted demand by enabling the staged expansion of the existing aged care and seniors housing. It will relieve pressure on existing aged care services by increasing the supply of housing that meets the needs of the ageing population of Waverley, including a mix of traditional residential aged care accommodation and independent living units.

The co-location of seniors housing and health services facilities will also provide opportunities for 'ageing in place' by enabling residents to access services close to home, without the need to travel. This is consistent with the Commonwealth Government's *Living Longer Living Better Act 2013*.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

In addition to the above, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP), would continue to be an applicable instrument when considering any future Development Application (DA), even if the Waverley Local Environmental Plan 2012 (WLEP 2012) was the instrument being relied upon for permissibility. This is because:

- The Seniors Housing SEPP applies to land within New South Wales zoned primarily for urban purposes, but only if development for the purposes of hospitals or residential flat buildings is permitted. Hospitals are permitted in the SP2 zone, and residential flat buildings are permitted in the R3 zone.
- The Seniors Housing SEPP does not affect the operation of other environmental planning instruments (which includes the WLEP 2012) as specified in Clause 5 of Chapter 1 of the SEPP.
- Clause 1.9 of Part 1 of the WLEP 2012 specifies that the plan is subject to the provisions of any State Environmental Planning Policy that prevail over the plan as provided by Section 3.28 of the Environmental Planning and Assessment Act 1979.

The development controls outlined in the Seniors Housing SEPP are much more restrictive than those proposed in this Planning Proposal. An increase to development potential on the site is supported, and the site can accommodate the increase without unduly impacting the heritage or environmental significance of the site or the surrounding areas.

The Seniors SEPP also provides the potential for bonus height and FSR for developments located on land where Residential flat buildings are permitted (Part 6 Development for vertical villages, cl 45). Under the Seniors SEPP, these bonuses would be available in the R3 zone. Accordingly, Residential flat buildings is not proposed as an additional permitted use in the SP2 zone. The portion of the site that is zoned R3 Medium Density Residential has two heritage items, and is unlikely to be redeveloped to a higher density.

The provisions contained in this Proposal are considered to be more attractive for redevelopment than utilising the Seniors SEPP, and the impacts of the development can be more appropriately managed through Council's LEP and DCP. The Planning Proposal meets the aims of the Seniors SEPP in facilitating additional Seniors Housing. As such, it is proposed to include the insertion of site-specific provision which excludes the Alternative Building Heights and Alternative Floor Space Ratio being made available, if any proposed development utilises bonuses available under the 'Vertical Villages' clause in the Seniors SEPP. The insertion of the proposed clause has been recommended due to the following reasons:

- The site receives significant uplift with the incentive controls in the Planning Proposal. The uplift in the proposed incentive controls amount to an increase in height of 58% (9.5m – 15m) and 68% (12.5m – 21m), as well as an increase in floor space ratio ranging between 33% (0.9:1 – 1.2:1) and 100% (0.6:1 – 1.2:1) across the site. This uplift represents a far greater uplift than would be available through bonuses exclusively in the R3 portion of the site, which under the current Seniors SEPP would be eligible for a 0.5:1 increase in floor space ratio and no additional height bonuses. Even in comparison to the proposed changes to the bonuses available for Seniors Housing in the new Housing Diversity SEPP (floor space ratio bonuses of 15% for ILUs 20% for Residential Care and 25% for both ILUs and Residential Care and, a 3.8m height bonus), the uplift provided in this Planning Proposal is far greater.
- The maximum height of buildings and floor space ratio outlined in the Planning Proposal are the most appropriate for the heritage and environmental significance of the site and have been supported by the Waverley Local Planning Panel, the Sydney City East Planning Panel and Waverley Council Elected Members.
- Feedback from the community during the public exhibition showed some opposition for the Alternative Building Heights and Alternative Floor Space Ratio in the Planning Proposal. Council considered these submissions, and whether to further reduce the incentive provisions to better respond to the significance of heritage and canopy on the site. Council resolved to proceed with the controls as exhibited. This however reiterates the position of the community and Council position that the maximum proposed controls should not be exceeded, even through the use of a State Environmental Planning Policy.

The application of such a clause would only apply to the site-specific incentive controls relating to the Alternative Building Heights and Alternative Floor Space Ratio. The inclusion of such a clause would mean that these site-specific incentive controls could not be achieved if the Vertical Villages bonuses were being sought over and above the controls. Should the site-specific incentive controls not be sought, the standard WLEP Building Heights and Floor Space Ratio would still be available on the site.

This request for the exclusion of any bonuses available under the ‘Vertical Villages’ clause in the Seniors SEPP was supported by Council at the August Council Meeting on 17 August 2021. As Council is not the PMA, it is requested the DPIE include this clause as part of the making of the LEP.

An example clause has not been included in this report, as it is recommended for the DPIE and Parliamentary Counsel to formulate the best approach. One example of a similar clause can be found in the *Leichardt Local Environmental Plan* where clause 6.20 (4) (b) states:

“Despite clauses 4.4 (2) and 4.4A, the maximum floor space ratio for development for the purposes of seniors housing on land to which this clause applies is 2:1, but only if the consent authority is satisfied that—

(b) consent could be granted to the development without reliance on the relevant bonus floor space provisions.”

This clause was supported by the Inner West Council on 24 April 2018 in their adoption of a Planning Proposal for 17 Marion Street, Leichardt, which included the above provision to ensure the “maximum development capacity in the LLEP will only be available if the development does not rely upon the bonus floor space provisions of the SEPP 2004”, effectively restricting the application of any Bonuses which enable an exceedance of the maximum floor space ratio and building heights which were increased as part of the Planning Proposal process.

Proposed Additional Permitted Uses

The Submission proposes retail, business, food and beverage outlets, and child care premises. It is acknowledged that some residents may find the easy access to services on site such as local grocery stores, GPs, pharmacies, hairdressers and cafes to be convenient. The development is, however, located close to Bondi Junction and Charing Cross village where an extensive range of retail and services are readily available. In accordance with the *Waverley Local Strategic Planning Statement* and *Draft Waverley Village Centres Strategy*, a key strategic objective is to support centres as hubs that offer vital goods services. Accordingly this Planning Proposal does not seek to challenge the ability of these centres to be able to deliver these goods and services and nor does it seek to compromise the role, function and continued viability of these centres by providing for out-of-centre retail beyond site serving facilities.

This Planning Proposal seeks to provide additional uses only that are not considered ‘ordinarily ancillary’ to the functioning of the hospital. These include modest visitor accommodation, small retail and business outlets where the use is demonstrably ancillary to the functioning of the hospital and seniors housing uses permitted on site.

The stated aims and objectives for the site are best supported by a change to *Schedule 1 Additional Permitted Uses* to allow for additional specific uses on the site that are not normally ancillary to the health services facility. Introducing other additional permitted uses aims to increase the current services on site for the community. A three-part test has been undertaken to assess each of the uses as follows:

1. There is a demonstrated need for the use in the Waverley LGA or Eastern Suburbs region.
2. This site is an appropriate site for the use.
3. The use aligns with the vision for the site.

Table 9 – Proposed Additional Permitted Uses

| Additional Permitted Use | Discussion |
|--------------------------|------------|
|--------------------------|------------|

| | |
|---|--|
| Seniors housing (in the SP2 zone); | <ol style="list-style-type: none"> 1. There is a demonstrated need for Seniors housing in both the Waverley LGA and Eastern Suburbs region. 2. This site is an appropriate use for the site given the uses currently exist on the site, and the site is ideally located nearby transport, retail and services. 3. This use aligns with the vision for the site, and supports the redevelopment of the existing Residential Aged Care and Independent Living Units on the site. |
| Community facilities (in the SP2 zone); | <ol style="list-style-type: none"> 1. There is a demonstrated need for community facilities in the Waverley LGA. 2. This site is appropriate for community uses given the size and the campus-style nature of the site. 3. The use aligns with the vision for the site, and supports the important provision of social infrastructure. |
| Centre-based child care facility (in the SP2 zone); | <ol style="list-style-type: none"> 1. There is strong demand for this use in the area, with some providers having extensive waitlists. 2. The site will provide mainly health services and seniors housing. Accordingly child care may be suitable to provide additional support to visitors of patients and/or residents at the site. 3. The use aligns with the vision for a campus-style redevelopment of the existing facilities and provides facilities that will encourage engagement with the wider community. |

Table 10 – Proposed Additional Permitted Uses

| Existing SP2 Zone | | Existing R3 Zone | |
|---|--|--|------------|
| Permitted | Schedule 1 | Permitted | Schedule 1 |
| Roads; Health Service Facility and any development which is ordinarily incidental or ancillary to health service facility. | Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Seniors housing; | Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4 | Nil. |

An amendment to Schedule 1 of the WLEP 2012 to include the uses listed in Table 10, while retaining the current Land Zoning Map, is the best means of achieving the objectives and intended outcomes for this site.

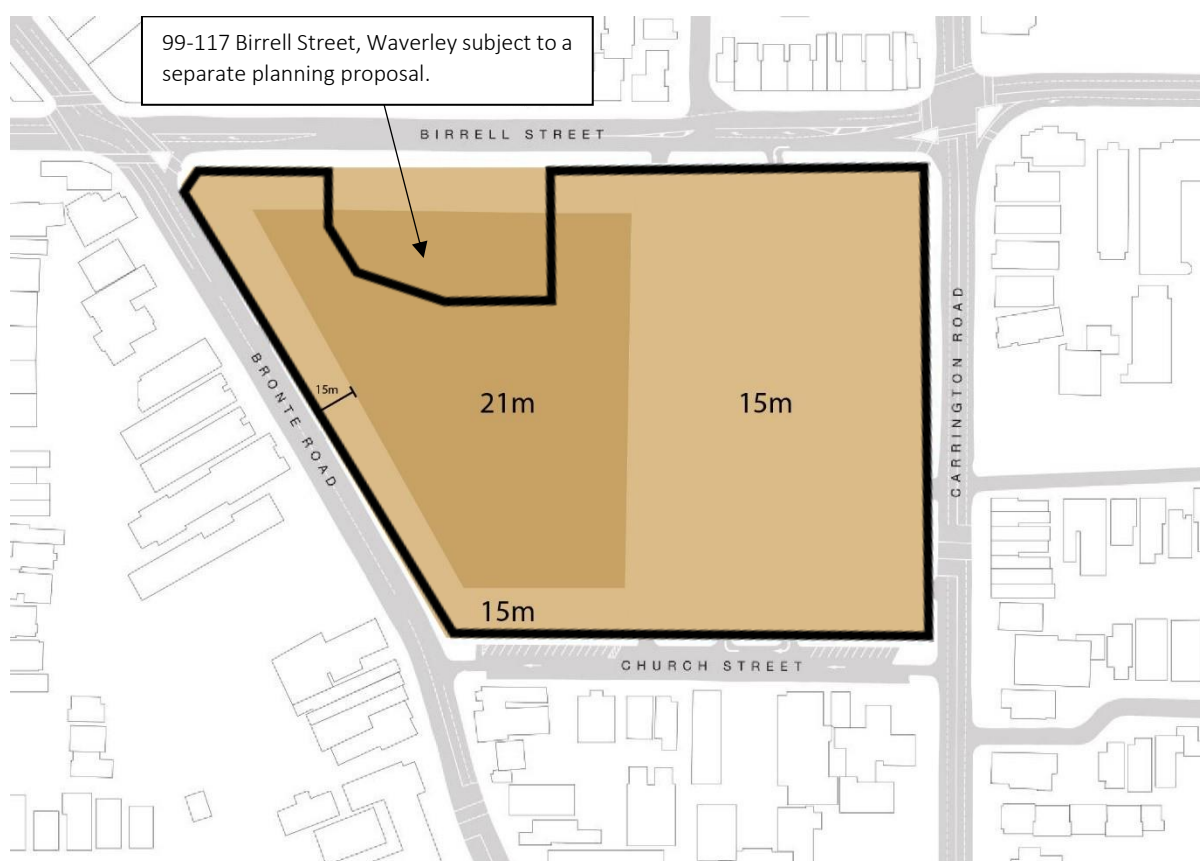
3.2.4 Height

An incentivised increase to the maximum permissible height is proposed, from 9.5m and 12.5m, to 15m to the periphery of the site and across the eastern portion of the site with the individual heritage items, and 21m to the central portion of the site (see Figure 19).

This height arrangement seeks to:

- Ensure the additional height is only available when high-performance buildings and significant deep soil zones (open space) are provided for the site.
- Provide a more appropriate height to the immediate curtilage of the individual heritage items to the east of the site.
- Permit additional height in the centre of the site where it can be appropriately mediated by the design of the buildings on site, and present a more appropriate four-storey street frontage to the surrounding built form, which is a mix of 1-2 storey dwellings, 3-4 storey flats and large institutional buildings.
- Ensure that the height of the heritage listed Norfolk Pine trees is not challenged by any new development on the site.
- Ensure that the height of the Vickery Tower is appropriately respected by any new development on the site.

Figure 19 – Proposed Alternative Building Heights



Source: Waverley Council, 2019

The maximum incentive heights of 15m (four/five storeys) and 21m (six/seven storeys) are sufficient to deliver the Submission's intent and provide a more amenable interface to the heritage items, the overall setting of the heritage grouping, as well as to the surrounding streetscapes. To support this Planning

Proposal, the Proponent has submitted a potential layout of the site in the *Urban Design Report* (Attachment D). As per Ministerial Direction 6.3 a Planning Proposal should not seek to lock in a particular development proposal. However, to demonstrate one potential scheme that would be compliant with the proposed development standards and the endorsed Site Specific DCP, the Urban Design Report is provided for context of what could be achieved on the site. The potential layout (Figure 20) which the applicant has included in the Urban Design Report submitted in February 2021, addresses some of the key issues which had been previously raised by Council throughout the planning proposal process. The indicative layout arranges the buildings in a way which will provide for sufficient open space, solar access, retention of some significant trees and will also maintain and enhance the original Victorian garden and its relationship with the significant heritage items on-site.

It should be noted the potential scheme provided by the proponent is set across not only the Campus Site, but also the Birrell Street Site, which will be addressed in a separate Planning Proposal.

Impact on neighbourhood character and streetscape

In determining the impact of the Proposal, consideration has been given to a number of planning principles derived from the Land and Environment Court including ‘compatibility in the urban environment,’ ‘principle for public domain views’ and ‘assessment of height and bulk’, as well as consideration of the description of the surrounds from above and consideration of different viewpoints surrounding the site.

The appropriateness of the proposed heights has been assessed with regard to the planning principle ‘compatibility in the urban environment’ derived from *Project Venture Developments v Pittwater Council [2005]*. The question of whether the proposed standards are compatible with the surrounding urban environment – and hence consistent with the existing neighbourhood character and streetscape – should have regard to the Proposal’s physical and visual impact. The following questions are relevant:

1. *Are the proposal’s physical impacts on surrounding development acceptable?*

The physical impacts include noise, overlooking, overshadowing and constraining development potential. This is addressed below under ‘Amenity Impacts’ section.

2. *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.

The key contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. To retain the character of the streets that form part of a Heritage Conservation Area, the tallest height should be focused within the site, away from the edges, to reduce the perceived bulk and scale.

An assessment of the interface with the streetscape is detailed below.

Are the proposal’s physical impacts on surrounding development acceptable?

15m – Yes, with setbacks imposed through a Site Specific DCP.

Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

15m - Yes, with setbacks imposed through a Site Specific DCP.

The existing WLEP2012 maximum building height control establishes a height plane of 9.5m to 12.5m to the southern side of Birrell Street. The northern side of Birrell Street marks the edge of the Botany Street HCA, which is characterised by 2-3 storey detached houses, terraces and apartments. The character of this streetscape is mixed, however moderate setbacks and planting exist along the northern side of the street.

Similar to Bronte Road, the increased height to 15m is proposed along this frontage with appropriate setbacks to be identified in the site specific DCP to ensure planting contributes to the streetscape, and to ameliorate the impacts of the future built form.

As identified by the illustrations, the interface of any new buildings and the existing buildings (whether heritage or residential) is crucial to consider along the Birrell Street frontage. The Site-Specific DCP provides more detailed information relating to these matters.

Figure 20 – Masterplan aerial view



Legend

- * Proposed Drop Off
- Future Hospital Extension
- Existing Bus Stops
- 06 No. of storeys

- | | |
|---|---|
| <ul style="list-style-type: none"> A Building A - RAC, Clubhouse, Wellness Centre & Care Apartments B Building B - ILU C Building C - ILU D Building D - ILU E Building E - ILU F Building F - ILU G Building G - ILU H Building H - ILU I Winston O'Reilly Building J L.E. King Building K Elizabeth Hunter Lodge | <ul style="list-style-type: none"> L Cadi Cottage M Nellie Vickery Chapel N Vickery Building O Morgan Building P Cafe Manos Q Education Centre R Morgue S Podiatry, Therapy Gym, Hydrotherapy Pool T Maintenance U Hospital Extension V Existing cottages to be converted into Childcare |
|---|---|

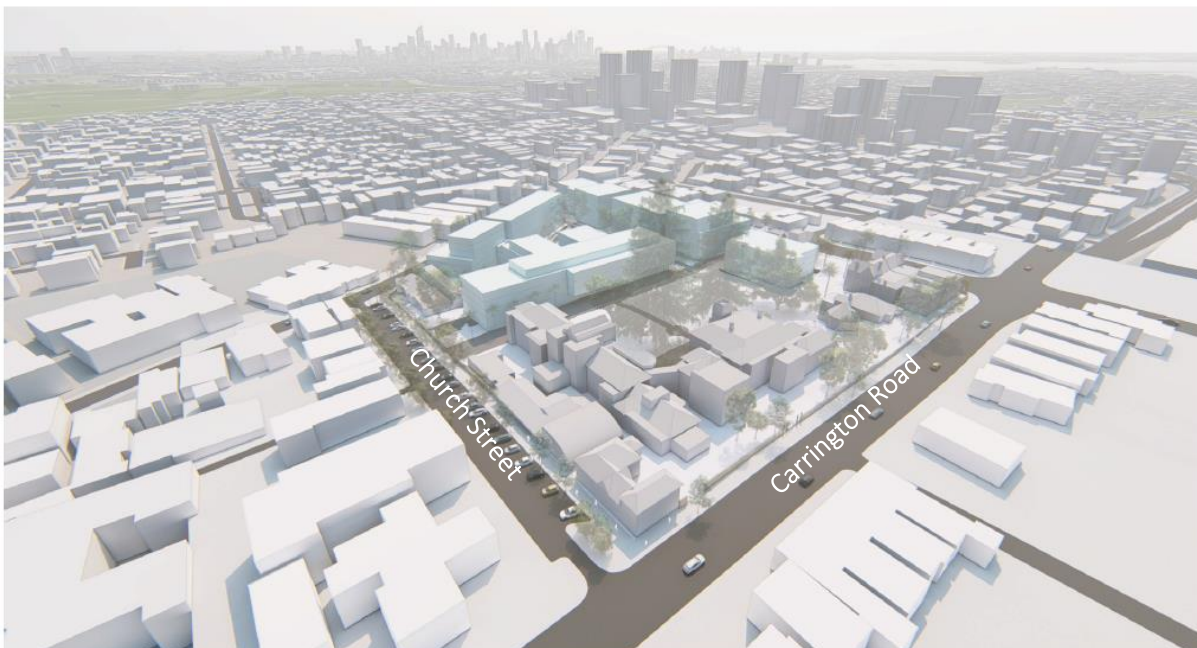
Source: Architectus, 2021

Figure 21 – Aerial view of massing from south west - Bronte Road & Church Street



Source: Architectus, 2021

Figure 22 – Aerial view of massing from south east corner - Carrington Road & Church Street



Source: Architectus, 2021

Figure 23 – Aerial view of massing from north east corner - Birrell Street & Carrington Road



Source: Architectus, 2021

Figure 24 – Aerial view of massing from north west corner - Birrell Street & Bronte Road



Source: Architectus, 2021

Figure 25 – Aerial view of massing from north - Birrell Street



Source: Architectus, 2021

Figure 26 –View along the corner of Birrell Street & Bronte Road, looking south-east



Source: Architectus, 2021

Figure 27 – View along Birrell Street looking east



Source: Architectus, 2021

Figure 28 – View along Bronte Road looking north



Source: Architectus, 2021

Figure 29 – View along Church Street looking west



Source: Architectus, 2021

Figure 30 – View along Church Street looking east



Source: Architectus, 2021

Figure 31 – View along Birrell Street & Carrington Road looking south



Source: Architectus, 2021

Figure 32 – View along Bronte Road & Church Street looking north east



Source: Architectus, 2021

Figure 33 – View along Botany Street looking south



Source: Architectus, 2021

Figure 34 – Elevated perspective looking east along Birrell Street (near Centennial Park)



Source: Architectus, 2021

Impact on neighbourhood character and streetscape

In determining the impact of the indicative layout provided by the proponent, consideration has been given to a number of planning principles derived from the Land and Environment Court including ‘compatibility in the urban environment,’ ‘principle for public domain views’ and ‘assessment of height and bulk’, as well as consideration of the description of the surrounds from above and consideration of different viewpoints surrounding the site.

The appropriateness of the proposed heights has been assessed with regard to the planning principle ‘compatibility in the urban environment’ derived from *Project Venture Developments v Pittwater Council [2005]*. The question of whether the proposed standards are compatible with the surrounding urban environment – and hence consistent with the existing neighbourhood character and streetscape – should have regard to the Proposal’s physical and visual impact. The following questions are relevant:

3. *Are the proposal’s physical impacts on surrounding development acceptable?*

The physical impacts include noise, overlooking, overshadowing and constraining development potential. This is addressed below under ‘Amenity Impacts’ section.

4. *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.

The key contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. To retain the character of the streets that form part of a Heritage Conservation Area, the tallest height should be focused within the site, away from the edges, to reduce the perceived bulk and scale.

An assessment of the interface with each streetscape is detailed below.

i. Bronte Road

Are the proposal’s physical impacts on surrounding development acceptable?

15m – Yes, with setbacks imposed through a Site Specific DCP.

Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

15m - Yes, with setbacks imposed through a Site Specific DCP.

The existing WLEP2012 maximum building height control establishes a height plane of 9m and 12.5m with mostly three storey residential flat buildings on the western side of the road.

The Waverley LSPS identifies Bronte Road as a key corridor for placemaking improvements, which this site should be able to contribute greatly towards. The 15m height limit is proposed to permit four storeys to the Bronte Road street frontage. The 15m is justified due to the need to accommodate generous floor to ceiling heights that are required to service the additional needs of various seniors housing uses such as residential aged care facilities. To the western side of Bronte Road, the buildings are generally 3-4 storeys, and are set back from the footpath. This streetscape forms part of the Blenheim Street/Bronte Road Landscape Heritage Conservation Area (C24). To respond to this condition to the east of Bronte Road, the maximum height of 15m (limited to four storeys) with a setback provided to the street for significant planting to contribute to the Bronte Road Streetscape is proposed. Whilst the four-storey condition is then continued along Bronte Road to the north, the trees and setbacks will serve to reduce the impact on the streetscape and maintain a walkable street and

significant distance between building faces. The street frontage setback (to be controlled in the site specific DCP) is intended to achieve the same envelope plane as a 12.5m building that is built to the boundary, and hence permit the same amount of visual impact and sunlight to the street as currently permitted, whilst providing additional opportunities for planting to soften the built form.

This stretch of Bronte Road also comprises a number of campus style developments such as a police station and school and is situated between the two fine-grain high streets of Bronte Road, Bondi Junction and Bronte Road, Charing Cross. It is considered appropriate to the campus nature of the site, as well as this location along Bronte Road, that the buildings along Bronte Road present a significant frontage, provided that appropriate greenery and setbacks are integrated into the design.

ii. Church Street

Are the proposal's physical impacts on surrounding development acceptable?

15m – Yes, with setbacks imposed through the Site Specific DCP.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

15m - Yes, with setbacks imposed through the Site Specific DCP.

The existing WLEP2012 maximum building height control establishes a height plane of 9.5m - 12.5m with the existing streetscape along this section of Church Street consisting mostly of two to three storey dwellings and institutional buildings. The Charing Cross Conservation Area (C7) begins at Church Street.

An increase in this location to 15m (four storeys) is proposed. Similar to Bronte Road, Church Street is situated within an area of campus style developments, and given this interface is able to present additional height to the street frontage than would otherwise be considered appropriate, provided that sufficient setbacks to the street frontage as well as to the heritage items on the site. This will be addressed through a site specific DCP and is also currently addressed through Part B9 Heritage of the WDCP2012.

Setbacks will be required for mature planting to ameliorate the increase in height. In addition, the arrangement of buildings is important to be able to curate views of the Norfolk Pines and heritage items between the built form.

The proposed masterplan aims to maintain most of the existing buildings which front onto Church Street, with a possible future hospital expansion marked on the edge of the site fronting Carrington Road. The increased height, alongside setbacks required as per the Draft Site Specific DCP would assist in reducing any impacts on the properties located at the southern side of Church Street.

iii. Birrell Street

Are the proposal's physical impacts on surrounding development acceptable?

15m – Yes, with setbacks imposed through the Site Specific DCP.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

15m - Yes, with setbacks imposed through the Site Specific DCP.

The existing WLEP2012 maximum building height control establishes a height plane of 9.5m to 12.5m to the southern side of Birrell Street. The northern side of Birrell Street marks the edge of the Botany Street HCA, which is characterised by 2-3 storey detached houses, terraces and apartments. The character of this streetscape is mixed, however moderate setbacks and planting exist along the northern side of the street.

Similar to Bronte Road, the increased height to 15m is proposed along this frontage with appropriate setbacks identified in the Draft Site Specific DCP to ensure planting contributes to the streetscape, and to ameliorate the impacts of the future built form.

As identified by the illustrations, the interface of any new buildings and the existing buildings (whether heritage or residential) is crucial to consider along the Birrell Street frontage. This is identified in the Draft Site Specific DCP.

iv. Carrington Road

Are the proposal's physical impacts on surrounding development acceptable?

15m – Yes, with setbacks imposed through the Site Specific DCP.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

15m - Yes, with setbacks imposed through the Site Specific DCP.

The existing WLEP2012 maximum building height control establishes a height plane of 9.5m with the existing streetscape comprising mostly single storey detached and two storey attached dwellings on the eastern side and two-storey institutional buildings on the WMH site.

Given the large amount of heritage items along this street frontage, it is not anticipated that there will be significant development, or an impact on the street frontage. Some built form may be considered along this frontage, provided it appropriately integrates with the heritage fabric of the site.

Impact on adjoining HCAs

Given the adjacent Heritage Conservation Areas to the north and south, the character of this area is to be conserved and given strong protection when considering the scale and bulk of a proposal. This protection includes not only development within the bounds of the conservation area, but also development that will impact upon the curtilage of the conservation area, and development that would have an impact upon the perceived character from within the site.

The 15m is considered an appropriate transition height, with the 21m to the centre of the site, with adequate setbacks imposed via a site specific DCP to provide for landscaping and mature trees.

To maintain the significance of the setting and built fabric the above issues will be incorporated into a site specific DCP. The site specific DCP will restrict development to certain areas of the site and regulate built form impacts beyond the relatively 'blunt' instruments of height and FSR in the WLEP2012.

Central height

The 21m limit in the centre of the site is considered an appropriate maximum scale of development to retain a consistent tree canopy punctuated by the Norfolk Pines. This 21m area is to be setback from the site boundary by 15m measured at ground level and concentrated to the western portion of the site (refer to Figure 19). This increase is sufficient to permit increased redevelopment throughout the site, as well as retaining the scale of the estate, and the character of the surrounding streetscapes. As demonstrated in the example layout of built form provided in the *Urban Design Report*, a comparable built form GFA can be achieved by locating the buildings to the circumference of the site, enabling the key central open spaces to be retained. The buildings could frame these spaces, creating a sense of enclosure to mimic the original secluded nature of the estate, as well as providing adequate open space to be able to read the original spatial experience of the estate.

Visual impact

An assessment of the visual impact goes beyond the assessment of the compatibility of the development within the immediate streetscape and neighbourhood context, taking a 'wider' and

‘deeper’ view of the proposal. This section examines how the development would be viewed from the public domain – including parks and streets – within the district.

From a regional perspective Bondi Junction dominates the skyline, particularly from low lying parklands to the west, from North Randwick in the south, and from the harbour in the north. Beyond Bondi Junction centre, the skyline of the Waverley LGA – as viewed from different parts of the LGA – is characterised by a semi-continuous tree canopy punctuated by tall Norfolk Island Pines, palm trees and large gum trees. Most buildings do not protrude above this canopy line, with the exception of some 1970s eight-storey residential towers.

To assess the visual impact as seen from the public domain, reference is given to ‘A planning principle for public domain views’ from *Rose Bay Marina Pty Limited v Woollahra Municipal Council [2013]*. This case outlines a series of tests to understand the significance of the impact on public domain views. These are outlined in Table 11 below.

| Table 11 - Planning principle for public domain views | |
|--|---|
| Test | Council comment |
| <p>Identify the nature and scope of the existing views from the public domain, encompassing:</p> <ul style="list-style-type: none"> • the nature and extent of any existing obstruction of the view; • relevant compositional elements of the view (such as is it static or dynamic and, if dynamic, the nature and frequency of changes to the view); • what might not be in the view - such as the absence of human structures in the outlook across a natural area; • is the change permanent or temporary; or • what might be the curtilages of important elements within the view. | <p>The primary view to the War Memorial Hospital site is from Queens Park and Centennial Park.</p> <p>The view consists of a skyline set by dwellings and tree canopy with notable protrusions of both Norfolk Island Pines. Less noticeable is the tower on the Vickery building, the ridge of the Morgan building as well as the Waverley Public School and College. To the north a large telecommunications tower is the most visually intrusive element of the landscape and further to the south the towers of the Mary Immaculate church are also visible.</p> <p>The view of this Waverley ridgeline from the east is a static view and partly diminished by the existence of other built structures, primarily the telecommunications tower.</p> <p>The increase in maximum building height to 21m which would not challenge the landmark qualities of the Norfolk Pines from views from Bronte Road and Birrell Street, or from Queens Park and Centennial Park.</p> |
| <p>Identify the locations in the public domain from which the potentially interrupted view is enjoyed.</p> | <p>Queens Park, Centennial Park and partial views from Birrell Street, Bronte Road and Carrington Road.</p> |
| <p>The third step is to identify the extent of the obstruction at each relevant location.</p> | <p>The proposed 21m and 15m heights could partially obscure views to the site, but only from locations nearby the site, such as surrounding streets.</p> |
| <p>The fourth step is to identify the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.</p> | <p>Queens Park and the streets surrounding this park would be most affected. These areas, including the park itself are heavily used for passive and active recreation. The amenity of this park and surrounds is underpinned by the natural setting and further built form landscape would start to erode the natural vista.</p> |
| <p>The final step to be identified is whether or not there is any document that</p> | <p>Objective (b) of Clause 5.10 ‘Heritage conservation’ of the WLEP2012 aims to ‘conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric,</p> |

| | |
|--|---|
| <p>identifies the importance of the view to be assessed.</p> | <p>settings and views.’ The Conservation Management Plan prepared for the site identifies the view to be retained.</p> |
| <p>Other factors to be considered in undertaking a qualitative assessment of a public domain view impact include:</p> <ul style="list-style-type: none"> a) Is any significance attached to the view likely to be altered? b) If so, who or what organisation has attributed that significance and why have they done so? c) Is the present view regarded as desirable and would the change make it less so (and why)? d) Should any change to whether the view is a static or dynamic one be regarded as positive or negative and why? e) If the present view attracts the public to specific locations, why and how will that attraction be impacted? f) Is any present obstruction of the view so extensive as to render preservation of the existing view merely tokenistic? g) However, on the other hand, if the present obstruction of the view is extensive, does that which remains nonetheless warrant preservation (it may retain all or part of an iconic feature, for example)? h) If the change to the view is its alteration by the insertion of some new element(s), how does that alter the nature of the present view? | <ul style="list-style-type: none"> a) The view is not a significant one compared to harbour or ocean views in the area. b) As above. c) The present view is desirable and any changes resulting from increase built form would diminish the view as it further intrudes upon the naturalistic height limit established by the mature tree canopy. d) Not applicable. e) Not applicable. f) The two Norfolk Island Pines are very prominent landmarks and their obstruction would not be tokenistic. Existing views to the Vickery tower and Morgan building are partially obstructed by the Waverley Public School and existing canopy / skyline. These are only viewable from the south-eastern side of Queens Park. Views to the heritage trees and buildings from the public domain would be most affected from the north and north-east of the site. This issue is addressed above in the neighbourhood character section. g) Views to the less conspicuous elements of the War Memorial Hospital site do warrant preservation given the iconic nature of the site to the Waverley LGA. h) The potential insertion of a 21m building on the site could result in another commanding built form element to the Waverley ridgeline landscape. Accordingly additional controls to modulate the built form are required via the Site Specific DCP to minimise disruption to the significant mature tree canopy. |

An assessment of the potential height and bulk impacts from the planning proposal has been completed with reference to ‘*Planning principle: assessment of height and bulk*’ from *Veloshin v Randwick Council [2007]*.

| Table 12 - Planning principle for height and bulk | |
|--|---|
| Test | Council comment |
| <p>Are the impacts consistent with impacts that may be reasonably expected under the controls?</p> | <p>Not applicable as this seeks to change the controls.</p> |

| | |
|---|---|
| <p>How does the proposal’s height and bulk relate to the height and bulk desired under the relevant controls?</p> <p>Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are:</p> <p><i>Does the area have a predominant existing character and are the planning controls likely to maintain it?</i> <i>Does the proposal fit into the existing character of the area?</i></p> | <p>Clause 4.3 ‘Height of buildings’ of the WLEP 2012 includes objectives that seek to preserve the environmental amenity of neighbouring properties, provide an appropriate transition in height from the Bondi Junction centre and “ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space”. Clause 4.4 ‘Floor space ratio’ has similar objectives to Clause 4.3.</p> <p>The Proposal is considered to fit into the existing character of the area, by presenting a four-storey street frontage to Birrell Street and Bronte Road and to mediate the additional height of six and seven storeys either setback from the street or within the centre of the site. Setbacks are proposed in the Draft Site Specific DCP to ensure there is ample room for landscaping and mature tree canopy to ameliorate the impacts of any built form to the street.</p> |
| <p>Does the proposal look appropriate in its context?</p> | <p>Yes, the proposal provides ample room for mature planting which is important in this location, as the area can be seen from Centennial Park, and the canopy is the defining feature of the hillside, with extrusions from key natural and manmade landmarks including the two Norfolk Pines and the Vickery Tower. The updated masterplan provided by the applicant demonstrates that the landmarks will not be challenged.</p> |

Amenity

The Proposal seeks to increase the site’s height and FSR to permit four storey buildings to the periphery of the site and the 6-7 storey components of development to the centre of the site are intended to minimise the impact on the amenity of neighbouring properties, particularly in regards to overshadowing and overlooking impacts.

Privacy

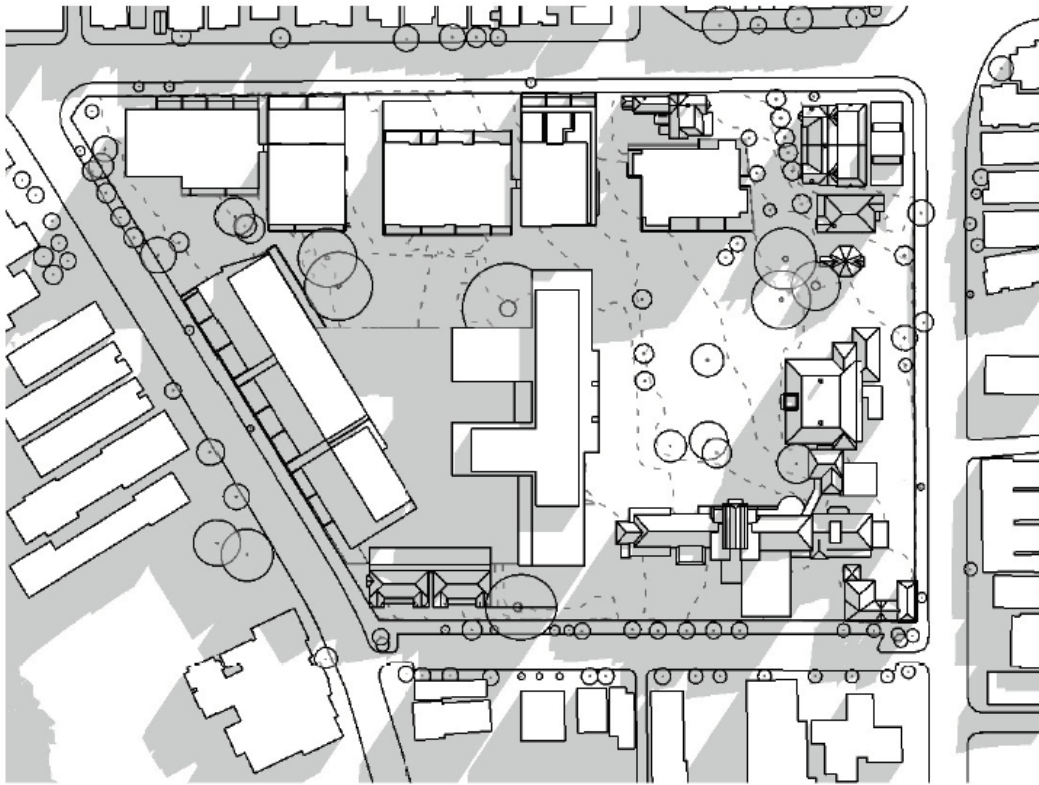
It is possible that the redevelopment of the site will lead to increased overlooking to the neighbouring properties to the north, west and south. The Proponent has indicated that they intend to acquire the sites to the north, along Birrell Street, and this is addressed through the Planning Proposal for 99-117 Birrell Street, and the Masterplan and Draft Site Specific DCP identify the overall vision for redevelopment on the site.

Overshadowing

The potential overshadowing typically does not extend into the private open space of surrounding development or overshadow surrounding properties for long enough to gain concern. The potential overshadowing within the site is addressed in the Draft Site Specific DCP to ensure that buildings within the site have appropriate solar access, that open spaces receive a reasonable amount of direct sun, and that building placement and design reduces wind tunnels. In addition, the layout demonstrated in the masterplan do not pose any adverse overshadowing impacts on the open space throughout the site.

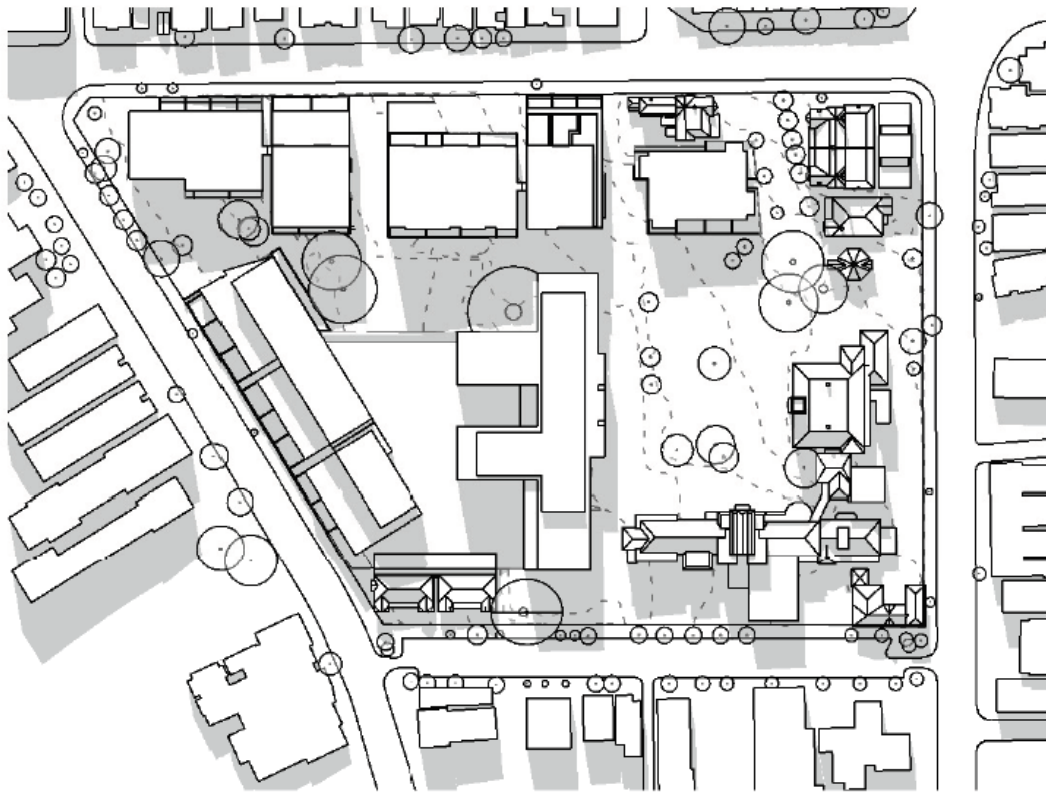
The images below detail overshadowing impacts on the winter solstice to demonstrate potential impacts.

Figure 35 – 21 June 9am



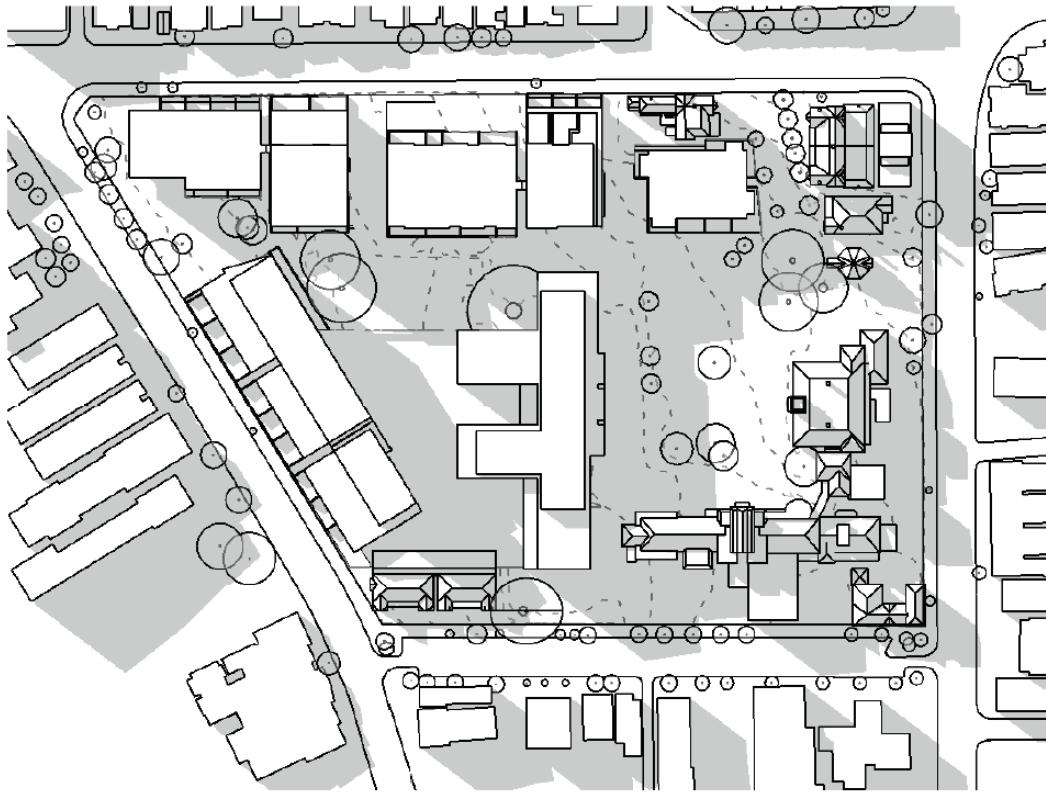
Source: Architectus, 2021

Figure 36 – 21 June 12pm



Source: Architectus, 2021

Figure 37 – 21 June 3pm



Source: Architectus, 2021

3.2.5 Floor Space Ratio

An incentivised increase to the maximum permissible floor space ratio (FSR) is proposed, from 0.6:1 and 0.9:1 to 1.2:1.

An increase in the FSR and height development standards would support the further intensification of uses on site. Based on the combined site area of 31,640sqm, there is currently floor space capacity for 28,100sqm under current FSR controls (applying the existing 0.6:1 and 0.9:1 FSR). The existing uses on the site account for approximately 11,505sqm.

| Item | Area |
|----------------------|-----------|
| Site Area | 31,640sqm |
| Existing Capacity | 28,100sqm |
| Existing Built Form | 11,505sqm |
| Capacity under 1.2:1 | 37,968sqm |

An FSR of 1.2:1 would allow 37,968sqm of floor space across the site. This capacity is considered adequate to support the delivery of an increase in development capacity, whilst balancing the increase in development capacity on the site with open space, and heritage and character concerns.

Whilst larger sites are typically better able to accommodate an increased FSR, the site has significant heritage buildings and landscaping which cannot be redeveloped. Accordingly, the latent potential of FSR on this portion of the site can be used elsewhere on the site to increase development potential and protect the heritage significance on the site.

3.2.6 Other Matters

The discussion above illustrates the ability of the site to accommodate an increase in both height and FSR, however as the density of the site is increased, it is important to balance this with the amenity by ensuring sufficient open space and habitat, and increasing the efficiency of the buildings. Accordingly, provisions for Design Excellence, Deep Soil, and High Performing Buildings are proposed to be applied to the site. To ensure that the significance of the site is retained and enhanced, the increased height and FSR are proposed to be offered as incentives only, whereby if the provisions of Deep Soil and High Performing Buildings are met, then the additional height and FSR provision is also available.

Design Excellence

It is proposed to include the site on the Key Sites Map of the WLEP2012 and that clause 6.9 Design Excellence be applied to the site. Given the size and nature of the site, it is considered that the development will be of a scale that should attract additional considerations under Design Excellence.

Minimum Deep Soil

To secure the benefits of open space, access to the heritage parts of the site, and to ensure the retention of mature planting and impervious surfaces, additional site-specific provisions are proposed as follows:

- WLEP2012 - Minimum Deep Soil Area – to ensure that the site will continue to contribute to the Habitat Corridor which runs through the centre of the site, and to ensure that mature trees have adequate and healthy soil to grow in.
- WDCP2012 – Provision of open space and the public access to open space – to ensure that the key open spaces are provided within the site, and that these are accessible to the public. This would include the requirement to have accessible pathways to these areas, and that these areas are not ‘closed off’ to the public through fencing or the like.

With regards to public access to open space, the Proponent has indicated in the *Response to Request for Additional Information* (February 2021) provided in Attachment B their commitment to:

The creation of an area of shared open space accessible by the public. However, the provision of shared open space needs to align with the functional requirements of Uniting. In particular, as an aged care service provider, perceptions of safety and privacy for residents is of high importance. This is because many residents move into seniors housing because of the additional support and security it provides.

It is therefore necessary that Uniting retain control of publicly accessible shared open space, particularly in instances where there is the opportunity for safety and security issues (e.g. night-time loitering or antisocial behaviour) to ensure resident comfort.

Hence, while Uniting will support the development to be permeable and provide access opportunities for the community, it must be recognised that the land is still private land and Uniting needs to retain space for its private uses, and create a hierarchy of spaces for both its residents as well as the broader public.

Uniting provides residential aged care and seniors housing, hospitals, and children and youth services. Uniting therefore understand the operational requirements of each of these services. We note that this is currently being addressed post-Gateway through provisions contained in a Site Specific Development Control Plan (DCP) for the site, which has been developed by Council in conjunction with the Proponent.

With regards to deep soil, the Proponent has indicated in the *Response to Request for Additional Information* (Attachment B) their support for a provision of deep soil/maximum site coverage in the WDCP but not in the WLEP. Justification relating to how the deep soil provision can be achieved on-site is provided in the form of Landscape Area Calculations on Page 76 of the *Urban Design Report*. Council views the importance of deep soil provision being elevated to the WLEP to ensure that Council can achieve Council's commitments to reduce the Urban Heat Island effect and maintain and increase canopy across the LGA. These commitments are outlined as follows:

- **Eastern City District Plan**
Planning Priority E17- Increasing urban tree canopy cover and delivering Green Grid connections
- **Waverley Local Strategic Planning Statement**
Planning Priority 16 - Plan for and manage our assets and urban environment, and support our community to adapt and be resilient to a changing climate
 - *Action 1 - Prepare and implement an Urban Greening and Canopy Strategy to:*
 - *implement stronger controls and mechanisms to protect and increase canopy, to reduce the Urban Heat Island effect*
 - *protect and increase the quantity and diversity of trees and plants in the public and private domain, to ensure that the tree canopy continues to be a dominant feature of the area and that species are resilient to projected changes in climate*
 - *identify opportunities to increase green walls and roofs on public and private land*
 - *identify opportunities for bio retention systems along Green Grid, biodiversity and habitat corridors*
 - *identify and secure future funding sources to increase planting and green infrastructure*

- *identify opportunities for retention of water and water bodies in the landscape to effectively irrigate open spaces and increased greenery, and to support urban cooling*
- **Waverley Community Strategic Plan 2018-2029**
 - *Measure: Increase in canopy and shrub cover from 23.9% (2016) to 29.9% (2029)*

Evidence that a similar approach has previously been accepted by Parliamentary Counsel is illustrated by ‘Clause 6.6 Landscaped Areas’ of the *Mosman Local Environmental Plan 2012* and ‘Clause 6.14 Landscaped areas in certain residential, business, industrial and environment protection zones’ of the *Sutherland Shire Local Environmental Plan 2015*.

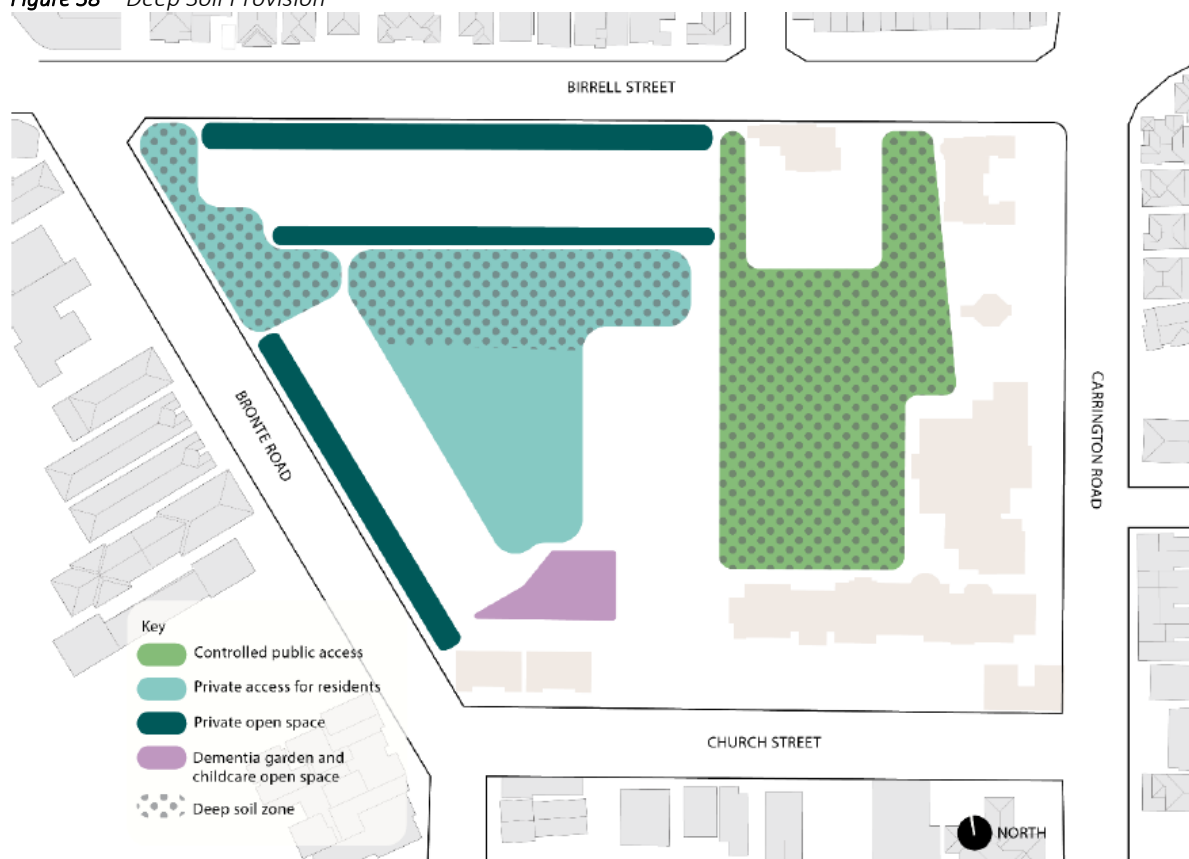
This Planning Proposal seeks to apply a minimum deep soil area rather than a minimum landscaped area, as a deep soil area would require the provision of a landscaped area that is planted and permeable – allowing for mature trees where appropriate and contributing to the reduction of runoff to urban areas. A ‘landscape area’ can simply require the planting of turf however may permit the area below to have a basement – hindering both the reabsorption of runoff into the water table and the ability to grow mature trees.

It is proposed that 30% of the total site area is to be provided as deep soil, with the spatial layout as indicated in the Draft Site Specific DCP as illustrated in Figure 38.

The provision of the proposed spatial arrangement and quantity of deep soil across the site aims to provide adequate soil for the habitat corridor on the site to be supported, as well as restoring an urban garden quality to the Estate. In addition, with the increased density proposed on the site, having two separate portions of open space will provide not only a space for the community to connect with each other and nature, but also to increase the amenity for occupants of the buildings to have green and open space to look out on.

It should be noted that the requirement for a minimum of 30% deep soil applies across both the Campus and Birrell Street sites, and that the majority of the deep soil area as displayed in Figure 38, would be located within the Campus site.

Figure 38 – Deep Soil Provision



Source: Waverley Council 2020

High Performance Buildings

In addition to giving effect to the District Plan, Waverley Council has ambitious community energy and water targets that to achieve, will require new development in the Waverley area to be built to a high-performance building standard. These commitments are outlined below:

- **Eastern City District Plan**
 Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently
 - Action 68 - Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050, especially through the establishment of low-carbon precincts in Planned Precincts, Collaboration Areas, State Significant Precincts and Urban Transformation projects.
 - Action 69 - Support precinct-based initiatives to increase renewable energy generation, and energy and water efficiency, especially in Planned Precincts, Collaboration Areas, State Significant Precincts and Urban Transformation Projects.
- **Waverley Local Strategic Planning Statement**
 Principles for Change
 - Proposals should meet high sustainability standards, improve urban resilience, and mitigate negative externalities. Proposals can satisfy these high standards by committing all development on the subject site to achieve a 5+ Green Star rating with the Green Building Council of Australia, or a Core Green Building Certification or Zero Carbon Certification with the Living Futures Institute of Australia, or equivalent.
 Planning Priority 14 - Achieve net zero carbon emissions in the built environment

- *Action 1 - Advocate for increased BASIX targets for residential developments to achieve Council's ambitious environmental targets*
- *Action 3 - Implement a development pathway to promote, deliver and monitor sustainable housing that:*
 - *provides planning support to drive innovation in performance and improved environmental outcomes in developments*
 - *encourages passive design to minimise energy consumption*
 - *encourages on-site generation of renewable energy*
 - *encourages the use of recycled and low-embodied carbon materials*
 - *measures the uptake of sustainable housing*
 - *implements compliance processes to ensure that all buildings are delivering required and aspirational environmental outcomes*
 - *investigates a contribution to fund off-site renewable energy*
 - *investigates density bonuses related to high performance buildings*
 - *promotes the uptake of sustainable housing through open days, awards and other methods of recognition*
 - *provides a community education program to accelerate behaviour change and retrofits to reduce energy and resource consumption*
- *Action 8 - Work with private landowners to encourage uptake of renewable energy sources by removing barriers to solar power and facilitating solar power installation in Waverley across all of our different building types*
- **Waverley Community Strategic Plan 2018-2029**
 - Goal 5.1. Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve the liveability of existing neighbourhoods
 - *Strategy 5.1.5. Encourage energy and water efficiency, best practice waste management and zero carbon buildings for all developments*

The 'Principles for Change' in the LSPS set out a range of options for how planning proposals can respond to these high-performance standards (for example through propriety building performance rating schemes). To ensure that any future development on the site contributes to Waverley's sustainable future, and to utilise this unique opportunity for the redevelopment of a large site to demonstrate best-practice sustainability, a site-specific incentive provision in the WLEP is proposed to require high-performance buildings on this site.

Site Specific DCP

To ensure that the built form is appropriately modulated, a Site Specific DCP is proposed to apply to the site. The Draft Site Specific DCP is based upon the Opportunities (2005 CMP) and Policies (2017 CMP) outlined in the CMPs, and as an example provides additional guidance on:

- Built form controls including
 - Maximum storeys
 - Minimum setbacks
- Heritage significance of the site
 - Identification of significant fabric and spaces
 - Policies/principles for redevelopment
 - Suggestions for heritage interpretation across the site
- Access to open spaces
 - Desired through site links
 - Provisions on the design of private open space vs. publicly accessible open space

- Provisions for the management of the site with regards to safety and maintenance
- Landscape and Biodiversity
 - Provisions for plantings including mature trees
 - Provisions for retention of Habitat Corridor
- Traffic
 - access points
 - maximum car parking cap for the overall site
- High-performance campus
 - Water collection and recycling on site
 - Energy and water efficiency
 - Waste collection
 - Energy generation

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3.3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?

3.3.1 A Metropolis of Three Cities

A *Metropolis of Three Cities – the Greater Sydney Region Plan* (Region Plan) prepared by the Greater Sydney Commission is a high-level strategy applicable to the proposal. The Region Plan sets forward a vision for Greater Sydney of three ‘Cities’, of which Waverley falls into the ‘Eastern Harbour City’. Each city has goals related to Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as well as Ten Directions that relate to the whole of the Greater Sydney Region. The Planning Proposal is consistent with the Ten Directions from the Region Plan.

3.3.2 Eastern City District Plan

The *Eastern City District Plan* (District Plan), also prepared by the Greater Sydney Commission, provides actions and strategies to implement the Aims and Objectives of the Region Plan. The District Plan is applicable to the proposal. The actions specific to this proposal are outlined in Table 14.

| Table 14 – Eastern City District Plan Relevant Actions | |
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| Relevant Item | Discussion |
| Direction: Infrastructure supporting new developments | |
| Planning Priority E1: Planning for a city supported by infrastructure | |
| Objective 1 – Infrastructure supports the three cities Objective 2 – Infrastructure aligns with forecast growth Objective 3 – Infrastructure adapts to meet future needs Objective 4 – Infrastructure use is optimised | |
| 1. Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities. | The aim to redevelop the War Memorial Hospital Site will ensure the continuation and expansion of a vital piece of social infrastructure to continue to service the local population as it grows. To achieve this, the SP2 Zone (with limited additional permitted uses) will be retained to ensure that the site will not be eroded by uses that will attract greater financial returns, such as Residential Flat Buildings, or other uses that are not subservient to the vision of the site. |
| 3. Align forecast growth with infrastructure. | The redevelopment of the War Memorial Hospital Site will ensure the continuation and expansion of a vital piece of social infrastructure to continue to service the local population as it grows. |
| 4. Sequence infrastructure provision using a place-based approach. | Analysis has been undertaken to show that the best use of the site, given its location and current uses, is to be retained as a piece of crucial social infrastructure. In addition to this, a Master Plan has been submitted to inform the Planning Proposal, and a Draft Site Specific DCP has also been prepared to ensure a place-based approach to the design of the site. |
| 5. Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans. | The subject site has significant heritage and environmental value, which through a redevelopment process would be able to be opened to the public and shared. This is proposed to be managed through site specific clauses to apply to the LEP, as well as a Site Specific DCP. |

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| <p>6. Maximise the utility of existing infrastructure assets, and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.</p> | <p>The existing infrastructure asset is proposed to be expanded to service a larger portion of the community. To achieve this, the SP2 Zone will be retained.</p> |
| <p>Direction: Working together to grow a Greater Sydney</p> | |
| <p>Planning Priority E2: Working through collaboration</p> | |
| <p>Direction: Celebrating diversity and putting people at the heart of planning</p> | |
| <p>Planning Priority E3: Providing Services and social infrastructure to meet peoples changing needs</p> | |
| <p>Objective 6 - Services and infrastructure meet communities' changing needs.</p> | |
| <p>8. Deliver social infrastructure that reflects the needs of the community now and in the future.</p> | <p>The redevelopment of the War Memorial Hospital Site will ensure the continuation and expansion of a vital piece of social infrastructure to continue to service the local population as it grows. To achieve this, the SP2 Zone will be retained with minimal additional permitted uses.</p> |
| <p>9. Optimise the use of available public land for social infrastructure.</p> | <p>The subject site has significant heritage and environmental value, which through a redevelopment process would be able to be opened to the public and shared. This is proposed to be managed through site specific clauses to apply to the LEP, and further detail to be provided through a Site Specific DCP., as well as a site specific DCP.</p> |
| <p>Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities</p> | |
| <p>Objective 7 - Communities are healthy, resilient and socially connected.</p> | |
| <p>Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods.</p> | |
| <p>Objective 9 - Greater Sydney celebrates the arts and supports creative industries and innovation.</p> | |
| <p>10. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:</p> <ol style="list-style-type: none"> a. providing walkable places at a human scale with active street life b. prioritising opportunities for people to walk, cycle and use public transport c. co-locating schools, health, aged care, sporting and cultural facilities d. promoting local access to healthy fresh food and supporting local fresh food production. | <p>The redevelopment of the site promotes increased residential density for seniors living, as well as other uses to serve the aged care and hospital facilities. The site is ideally located near Bondi Junction and is easily serviced by public transport and offers residents and visitors alike the opportunity to walk to/from nearby destinations and increase active street life both on the surrounding streets and within the site itself. The site currently co-locates health and aged care facilities and is surrounded by schools and cultural facilities. To achieve this, the SP2 Zone will be retained with minimal additional permitted uses.</p> |
| <p>11. Incorporate cultural and linguistic diversity in strategic planning and engagement.</p> | <p>The site currently provides care for the elderly and their families, serving an important role in the community. The proposal aims to ensure that diversity in age groups continues to be serviced.</p> |
| <p>15. Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.</p> | <p>The Planning Proposal aims to continue and grow the provision of a vital piece of social infrastructure in the Eastern Suburbs, not only through the health and aged care uses, but also by opening the site up to the public to share the heritage significance of the site. The Master</p> |

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| | <p>Plan demonstrates the intention to create a sense of place that will continue to foster local social networks. To achieve this, the SP2 Zone will be retained with minimal additional permitted uses.</p> |
| <p>Direction: Giving people housing choices</p> | |
| <p>Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport</p> | |
| <p>Objective 10 – Greater housing supply</p> | |
| <p>Objective 11 – Housing is more diverse and affordable</p> | |
| <p>16. Prepare local or district housing strategies that address the following:</p> <ul style="list-style-type: none"> e. the delivery of five-year housing supply targets for each local government area f. the delivery of 6-10 year (when agreed) housing supply targets for each local government area g. capacity to contribute to the longer term 20-year strategic housing target for the District h. the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include: <ul style="list-style-type: none"> i. creating capacity for more housing in the right locations ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure iv. supporting the role of centres. | <p>The planning proposal aims to increase the provision of housing for more vulnerable members of the community in the area, particularly seniors housing, aged care and affordable housing.</p> <p>To ensure that there is no provision of market housing on the site, the SP2 zone has been retained. Waverley Council is on track to deliver the housing supply target for the five years without the redevelopment of this site. This site offers an important opportunity however to increase the supply of housing for more vulnerable members of the community, especially seniors. This will help to serve the community as the population ages in place, as well as encouraging more active lifestyles and aging in place options. The development of the site as a precinct that is located nearby Bondi Junction and contains essential services on site will encourage walking and time spent outdoors in pleasant surrounds. This is key to a healthy lifestyle and for an aging population.</p> |
| <p>17. Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.</p> | <p>No planning agreement has been offered.</p> |
| <p>Direction: Designing places for people</p> | |
| <p>Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage</p> | |
| <p>Objective 12 – Great places that bring people together</p> | |
| <p>Objective 13 – Environmental heritage is identified, conserved and enhanced</p> | |
| <p>18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none"> i. prioritising a people-friendly public realm and open spaces as a central organising design principle j. recognising and balancing the dual function of streets as places for people and movement k. providing fine grain urban form, diverse land use mix, high amenity | <p>The proposal aims to facilitate an improved people-friendly public realm and open spaces. Currently the site is privately owned and managed, however the Submission Master Plan demonstrates an intention to open the site for public use so that the public will benefit from through site links, open spaces and the heritage significance of the site.</p> <p>The proposal seeks to provide high amenity being within a 10-minute walk of Bondi Junction Strategic Centre and Charing Cross Local Centre, and integrates social infrastructure in a way that supports social connections.</p> |

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| <p>and walkability, in and within a 10-minute walk of centres</p> <ul style="list-style-type: none"> l. integrating social infrastructure to support social connections and provide a community hub m. recognising and celebrating the character of a place and its people. | <p>This is proposed to be provided through amendments to the LEP and a Site Specific DCP.</p> |
| <p>19. In Collaboration Areas, Planned Precincts and planning for centres:</p> <ul style="list-style-type: none"> n. investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking o. ensure parking availability takes into account the level of access by public transport p. consider the capacity for places to change and evolve, and accommodate diverse activities over time q. incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including charging stations. | <p>The subject site is large enough to supply car parking to service its own requirements.</p> <p>However, the site is well connected and serviced by public transport, is walkable from Bondi Junction Strategic Centre, and will be able to encourage more active modes of transport for its more mobile staff and visitors.</p> <p>The site is also within walking distance of Charing Cross Village Centre. The Site Specific DCP provides requirements for vehicle access to, and vehicle movement around the site.</p> |
| <p>20. Identify, conserve and enhance environmental heritage by:</p> <ul style="list-style-type: none"> r. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place s. applying adaptive re-use and interpreting heritage to foster distinctive local places t. managing and monitoring the cumulative impact of development on the heritage values and character of places. | <p>The proposal aims to adaptively reuse heritage to continue to foster a distinctive and significant local place.</p> <p>The revised development controls proposed in this Planning Proposal seek to facilitate redevelopment of the facilities on the site, while balancing the impact of the development on the heritage and environmental character of the place.</p> |
| <p>21. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.</p> | <p>This Planning Proposal aims to enhance the sense of place of the site as located within walking distance of two centres - Bondi Junction Strategic Centre and Charing Cross Village Centre. The aim for the site is not to compete with or undermine the provision of goods and services in these two centres, but to provide increased residential density within walking distance of the two centres.</p> |
| <p>Direction: Developing a more accessible and walkable city</p> | |
| <p>Planning Priority E10: Delivering integrated land use and transport planning and a 30 minute city</p> | |
| <p>Direction: Creating the conditions for a stronger economy</p> | |
| <p>Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres</p> | |
| <p>Objective 22 - Investment and business activity in centres</p> | |
| <p>33.38. Provide access to jobs, goods and services in centres by:</p> | <p>The proposal aims to facilitate increased social infrastructure provision and housing for more vulnerable demographics near Bondi Junction Strategic Centre and Charing Cross Village Centre.</p> |

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| <ul style="list-style-type: none"> a. attracting significant investment and business activity in strategic centres to provide jobs growth b. diversifying the range of activities in all centres c. creating vibrant, safe places and quality public realm d. focusing on a human-scale public realm and locally accessible open space e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network f. improving the walkability within and to centres g. completing and improving a safe and connected cycling network to and within centres h. improving public transport services to all strategic centres i. conserving and interpreting heritage significance j. designing parking that can be adapted to future uses k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts l. creating the conditions for residential development within strategic centres and within walking distance (10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need. | <p>To achieve this, the SP2 Zone will not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.</p> |
| <p>41. Co-locate health, education, social and community facilities in strategic centres along the economic corridor.</p> | <p>The proposal aims to co-locate health and community facilities, with education and other social infrastructure already located nearby.</p> |
| <p>43. Review the current planning controls and create capacity to achieve the job targets for each of the District’s strategic centres.</p> | <p>The redevelopment of the site will provide some additional jobs in the area however, this is not the main aim of the proposal. Any jobs located on site will be easily serviced by public transport.</p> |
| <p>46. Strengthen Bondi Junction through approaches that:</p> <ul style="list-style-type: none"> a. protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre b. consider potential options for future public transport connections to the south east of the District to accommodate forecast population | <p>The proposal aims to open the eastern portion of the site up to the public including access to high quality open space and heritage. The proposal also provides increased opportunities for health-related uses which complement the Randwick health and education precinct.</p> |

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| <p>and employment growth, and better connect the District</p> <p>c. expand the centre’s function and type of land uses, and knowledge-intensive jobs</p> <p>d. improve access from the centre of Bondi Junction to nearby open space and recreation facilities such as Queens Park, Centennial Park, Moore Park and Bondi Beach</p> <p>e. recognise the centre’s health attributes to support the Randwick health and education precinct and mechanisms for increasing floor space for health uses, including a health-focused business incubator</p> <p>f. investigate opportunities to improve and diversify night-time economy offerings</p> <p>g. promote place making initiatives to improve the quality of public spaces.</p> | |
| <p>Planning Priority E12: Retaining and managing industrial and urban services land</p> | |
| <p>Planning Priority E13: Supported growth of targeted industry sectors</p> | |
| <p>Direction: Valuing green spaces and landscape</p> | |
| <p>Planning Priority E14: Protecting and improving the health and enjoyment of Sydney Harbour and the District’s Waterways</p> | |
| <p>Planning Priority E15: Protecting and enhancing bushland and biodiversity</p> | |
| <p>Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</p> | |
| <p>62. Protect and enhance biodiversity by:</p> <p>a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</p> <p>b. managing urban bushland and remnant vegetation as green infrastructure</p> <p>c. managing urban development and urban bushland to reduce edge-effect impacts.</p> | <p>There is a habitat corridor through the site identified in the DCP. Any development on the site will need to demonstrate that the corridor is maintained, and where possible enhanced. This Planning Proposal also seeks to include a Minimum Deep Soil Zone for this site specifically to ensure that there is appropriate space for the retention of mature canopy trees.</p> |
| <p>Planning Priority E16: Protecting and enhancing scenic and cultural landscapes</p> | |
| <p>Objective 28 - Scenic and cultural landscapes are protected.</p> | |
| <p>63. Identify and protect scenic and cultural landscapes.</p> | <p>The site has significant scenic and cultural landscape qualities which are to be retained through the heritage listing of the site and the implementation of key Policies from the Conservation Management Plan through the Site Specific DCP.</p> |
| <p>64. Enhance and protect views of scenic and cultural landscapes from the public realm.</p> | <p>The Submission Master Plan demonstrates the intention to open up and improve views to the heritage listed buildings on the site from the public realm. This will be supported through the site-specific control of Deep Soil Zones, as well as the Site Specific DCP.</p> |
| <p>Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid connections</p> | |
| <p>Objective 30 - Urban tree canopy cover is increased.</p> | |
| <p>Objective 32 - The Green Grid links parks, open spaces, bushland and walking and cycling paths.</p> | |
| <p>66. Progressively refine the detailed design and delivery of:</p> | <p>The site provides opportunities to grow new connections for the Green Grid and connections for walking.</p> |

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| <ul style="list-style-type: none"> d. Greater Sydney Green Grid priority corridors and projects important to the District e. opportunities for connections that form the long-term vision of the network f. walking and cycling links for transport as well as leisure and recreational trips. | |
| Planning Priority E18: Delivering high quality open space | |
| Objective 31 - Public open space is accessible, protected and enhanced. | |
| <p>67. Maximise the use of existing open space and protect, enhance and expand public open space by:</p> <ul style="list-style-type: none"> g. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow. h. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space. i. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved. j. planning new neighbourhoods with a sufficient quantity and quality of new open space. k. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses. l. delivering or complementing the Greater Sydney Green Grid m. providing walking and cycling links for transport as well as leisure and recreational trips. | <p>The Submission Master Plan indicates an intention to open up the eastern portion of the site up to the public and improve the connections for habitat corridors, green infrastructure as well as open space.</p> |
| Direction: Using resources wisely | |
| Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently | |
| Objective 33 - A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change. | |
| Objective 34 - Energy and water flows are captured, used and re-used. | |
| Objective 35 - More waste is re-used and recycled to support the development of a circular economy. | |
| <p>68. Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050, especially through the establishment of low-carbon precincts in Planned Precincts, Collaboration Areas, State Significant Precincts and Urban Transformation projects.</p> | <p>This Planning Proposal seeks to align with and where possible implement the Waverley Local Strategic Planning Statement, which includes the Principles for Change section. One of the Principles for Change is that where an increase in floorspace is sought through a Planning Proposal, any future development will be required to achieve a high level of building performance via an appropriate accreditation program.</p> |

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| <p>69. Support precinct-based initiatives to increase renewable energy generation, and energy and water efficiency, especially in Planned Precincts, Collaboration Areas, State Significant Precincts and Urban Transformation Projects.</p> | <p>As above.</p> |
| <p>Direction: Adapting to a changing world</p> | |
| <p>Planning Priority E20: Adapting to the impacts and natural hazards and climate change</p> | |
| <p>Objective 36 - People and places adapt to climate change and future shocks and stresses.</p> | |
| <p>Objective 37 - Exposure to natural and urban hazards is reduced.</p> | |
| <p>Objective 38 - Heatwaves and extreme heat are managed.</p> | |
| <p>76. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.</p> | <p>To ensure that sufficient mature canopy is retained, this Planning Proposal identifies a minimum Deep Soil Zone area. Where possible additional mature tree planting will be encouraged, as well as soft surfaces to reduce the urban heat island effect, and direct breezes through the site. This is important particularly as the site will be home to predominantly seniors who are more vulnerable to changes in temperature.</p> |

3.4 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

3.4.1 Waverley Local Strategic Planning Statement (March 2020)

| Table 15 – Waverley Local Strategic Planning Statement Relevant Actions | |
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| Relevant Item | Discussion |
| Direction: A collaborative city | |
| This direction is supported through each of the Planning Priorities. | |
| Direction: A city supported by infrastructure | |
| Planning Priority 1: Deliver public and active transport projects to achieve the 30-minute city | |
| 5. Work with the NSW Government to implement the transport hierarchy from Waverley’s People, Movement and Places to prioritise pedestrians and cyclists followed by public transport, and have regard to the Place and Movement framework prepared by TfNSW | The Draft Site Specific DCP seeks to encourage walkability and prioritise pedestrians within and around the site. The Draft Site Specific DCP also address’ traffic concerns along Church Street. |
| 7. Ensure any changes to development controls are aligned to and delivered with NSW Government transport plans and projects | There are no relevant State-led projects to be delivered in this area. |
| 8. Encourage more people in the community to travel by active transport, and promote new and flexible ways of working to improve the performance of the transport and road network | The Draft Site Specific DCP addresses traffic concerns and provides more detailed guidance around reduced parking rates for the site given the ideal location within walking distance of Bondi Junction Strategic Centre and Charing Cross Local Centre. |
| 9. Improve walkability throughout Waverley with a 'walking strategy' that identifies key walking routes with greater amenity, and prioritise public domain upgrades and canopy tree planting to these routes | Canopy tree planting and public domain improvements are outlined in the Draft Site Specific DCP. |
| 12. Review infrastructure contributions and other funding mechanisms to ensure that development contributes to the funding of new and upgraded critical infrastructure including stormwater, sewage treatment, and the undergrounding of powerlines | No changes are proposed to the Development Contributions Plan as it relates to this development. |
| Planning Priority 3: Digitally manage infrastructure to ensure it is efficient, fit for purpose, and well maintained | |
| 3. Improve Council’s waste services with a waste management system that integrates public, private and illegal waste, and optimises waste collection | The Draft Site Specific DCP provides additional waste controls for the site. |
| Planning Priority 4: Ensure the community is well serviced by crucial social and cultural infrastructure | |
| 4. Review and strengthen existing planning controls in the WLEP to continue to provide crucial social and cultural infrastructure for the area | This Planning Proposal seeks to retain the crucial social infrastructure that is currently provided by the site. It does this through the retention of the SP2 zone, whilst allowing additional development capacity on the site. |
| 5. Identify opportunities to adapt and share infrastructure between public and private owners through a joint Memorandum of Understanding | This site offers an opportunity to share open space as well as other social infrastructure such as community facilities and the like. Details can be determined at the DA stage. |
| 6. Review planning controls to encourage co-location of health, education, social and community facilities both in Bondi Junction, and along strategic corridors | The site already offers the co-location of health and social infrastructure together on the site, near Bondi Junction. |
| 8. Investigate and implement planning mechanisms to identify and protect crucial cultural and social infrastructure for the community | This Planning Proposal seeks to protect the crucial social infrastructure that is currently provided by the site. It does this through the |

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| | retention of the SP2 zone, whilst allowing additional development capacity on the site. |
| Direction: A city for people | |
| Planning Priority 5: Increase the sense of wellbeing in our urban environment | |
| 1. Review planning controls to increase vegetation and canopy trees in new developments and public places | This Planning Proposal aims to protect and grow the canopy on the site, through a Minimum Deep Soil Zone as well as additional Site Specific DCP controls. |
| 2. Implement opportunities to connect people to nature in the Open Space and Recreation Plan | This Planning Proposal aims to ensure key open spaces on the site are provided through a Deep Soil Zone provision, and Site Specific DCP to provide greater access to open space and nature in the dense suburb of Waverley. |
| 3. Identify and implement opportunities to improve walking and cycling connections to open spaces and popular destinations via the cycling and pedestrian network and the Green Grid | Similar to the Habitat Corridor identified in the DCP, this may also be identified as a Green Grid connection to improve pedestrian connectivity across the site. |
| 4. Identify accessibility issues and improve accessibility to open spaces and recreation facilities, and upgrade play equipment to ensure all play equipment is universally accessible | This Planning Proposal aims to open up the private open spaces on the site to the public through a Deep Soil Provision to provide greater access to open space and nature in the dense suburb of Waverley. |
| 5. Review planning controls and processes to increase public art in new developments and public places | The requirement to provide public artwork will apply to this site under the Draft Site Specific DCP. |
| Direction: Housing the city | |
| Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community | |
| 1. Prepare and implement a Local Housing Strategy that: <ul style="list-style-type: none"> • Sets a 6-10 year and 20 year housing target; • Includes a review of the demand for seniors housing; • Investigates demand for student and worker housing to support the Randwick Health and Education Precinct, and other local needs. | This Planning Proposal addresses the need for seniors housing in the Waverley area by providing seniors housing on the site. The planning proposal also enhances the ability to provide seniors housing across the site, by providing seniors housing as an additional permitted use on the SP2 zoned land. |
| 2. To increase the avenues to deliver affordable housing: <ul style="list-style-type: none"> • Work with Woollahra and Randwick Councils to prepare a regional approach to affordable housing; • Involve community housing providers in the preparation of the Affordable Housing Strategy; • Investigate opportunities to form partnerships to increase housing for very low to medium income groups; • Prepare and implement the Affordable Housing Strategy; • Review planning controls to support the delivery of affordable housing | This Planning Proposal does not deliver any affordable housing on the site. The corresponding site at 99-117 Birrell Street, subject to a separate Planning Proposal, seeks to deliver 10% affordable housing. |
| 4. Review planning controls to provide for diverse types of housing, and work with NSW Government to improve character considerations in the Codes SEPP | This Planning Proposal increases the development capacity on site with the ability to provide seniors housing. |

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| Direction: A city of great places | |
| Planning Priority 7: Recognise and celebrate Waverley’s unique place in the Australian contemporary cultural landscape | |
| 5. Identify and protect views of scenic and cultural landscapes from the public realm through Council’s LEP and DCP | This is considered in the Draft Site Specific DCP, to appropriately protect views from the public domain of the scenic and cultural landscape of the site. In addition, the scenic and cultural landscape view from Centennial Park looking east over the hills of Waverley is to be protected by capping the maximum |
| 8. Develop strategies and programs that celebrate and share the local heritage and cultural stories of the Waverley area | This Planning Proposal aims to open the heritage of the site through the Site Specific DCP which will serve to provide greater detail around the heritage values of the site. |
| Planning Priority 8: Connect people to inspiring and vibrant places, and provide easy access to shops, services, and public transport | |
| 5. Review and expand Council’s development controls, policies and guidelines to increase the application and understanding of Design Excellence, and to encourage innovation and creativity in development | This Planning Proposal seeks to increase the application of design excellence to the site by including the site on the Key Sites Map and applying Clause 6.9. |
| 6. Review and implement opportunities to facilitate community-led place activations and public art | Not applicable to this site. |
| 13. Implement the Disability Inclusion Action Plan | As the site will be home to predominantly seniors, accessibility and adaptability of the buildings and spaces on the site will be of crucial importance. Where appropriate, additional controls have been outlined in the Draft Site Specific DCP. |
| Direction: A well connected city | |
| Planning Priority 9: Support and grow Waverley’s local economy with a focus on wellbeing, knowledge and innovation | |
| 1. Retain shops and services in Bondi Junction and Village Centres | This Planning Proposal does not seek to challenge or undermine the success of the Charing Cross Village Centre of Bondi Junction Strategic Centre by ensuring that any goods or services provided on site are only ancillary to the primary use of the site for health services facilities or seniors housing. |
| Direction: A city in its landscape | |
| Planning Priority 12: Conserve our water resources and protect our coasts and beaches | |
| 6. Increase permeability both in the public and private domains through LEP and DCP amendments, and public domain improvements | The Draft Site Specific DCP aims to ensure adequate deep soil and permeability is provided on this site. |
| 10. Update Council’s LEP and DCP to mandate the collection and use of rainwater and recycled water in development across the LGA | The Draft Site Specific DCP aims to encourage the use of recycled water on site. |
| 11. Maintain, improve and create new habitats for iconic species identified in key catchments and waterways | The DCP identifies a habitat corridor running through the site that will be required to be maintained. |
| 13. Identify opportunities to reduce stormwater runoff by implementing WSUD on public and private land | The Draft Site Specific DCP aims to identify additional WSUD opportunities on the site. |
| Planning Priority 13: Protect and grow our areas of biodiversity and connect people to nature | |
| 3. Review Council’s development controls to identify canopy as a crucial element of the LGA’s character | This Planning Proposal aims to support this Action by capping the maximum permissible height at 15m and 21m to minimise the |

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| | disruption to the canopy as seen particularly from Centennial Park. |
| 4. Identify threatened habitats on private property and work with land owners to develop a Plan of Management to protect and support these habitats and the species that live in them | The site does not comprise identified threatened species or habitats, however the Habitat Corridor is to be maintained through the DCP. |
| 5. Identify and deliver the Green Grid and opportunities for green infrastructure projects such as increased tree planting and increased coastal bushland areas to improve opportunities for people to connect with nature and to improve amenity | This site provides a key opportunity to connect not only the Habitat Corridor but also to create a new Green Grid connection through the site to encourage walkability in the local area. |
| 8. Identify and implement projects to restore and improve urban habitat and connectivity | This site provides a key opportunity to enhance the Habitat Corridor. |
| Direction: An efficient city | |
| Planning Priority 14: Achieve net zero carbon emissions in the built environment | |
| 1. Advocate for increased BASIX targets for residential developments to achieve Council's ambitious environmental targets | This site should achieve additional high performance measures to satisfy the Principles for Change outlined in the LSPS. |
| 3. Implement a development pathway to promote, deliver and monitor sustainable housing that: <ul style="list-style-type: none"> • provides planning support to drive innovation in performance and improved environmental outcomes in developments • encourages passive design to minimise energy consumption • encourages on-site generation of renewable energy • encourages the use of recycled and low-embodied carbon materials • measures the uptake of sustainable housing • implements compliance processes to ensure that all buildings are delivering required and aspirational environmental outcomes • investigates a contribution to fund off-site renewable energy • investigates density bonuses related to high performance buildings • promotes the uptake of sustainable housing through open days, awards and other methods of recognition • provides a community education program to accelerate behaviour change and retrofits to reduce energy and resource consumption | The Draft Site Specific DCP aims to address a number of these issues, as well as this Planning Proposal updating the LEP to require high performance measures. |
| 6. Amend the LEP and DCP to ensure new development is 'future ready' by providing the ability to adapt to existing and emerging technologies for building efficiency such as requiring dual piping for recycled water, connections for solar panels, and rooftop gardens | This will be a separate process, however it will be encouraged that this site, given the quantum of development, is required to be 'future ready'. |
| Planning Priority 15: Achieve zero waste in the built environment | |
| 2. Review opportunities for shared waste facilities and shared commercial waste contracts in precincts and centres to better manage amenity and traffic issues | The Draft Site Specific DCP provides additional provisions for waste storage and collection. |

| Direction: A resilient city | |
|---|--|
| Planning Priority 16: Plan for and manage our assets and urban environment, and support our community to adapt and be resilient to a changing climate | |
| <p>1. Prepare and implement an Urban Greening and Canopy Strategy to:</p> <ul style="list-style-type: none"> • implement stronger controls and mechanisms to protect and increase canopy, to reduce the Urban Heat Island effect • protect and increase the quantity and diversity of trees and plants in the public and private domain, to ensure that the tree canopy continues to be a dominant feature of the area and that species are resilient to projected changes in climate • identify opportunities to increase green walls and roofs on public and private land • identify opportunities for bio retention systems along Green Grid, biodiversity and habitat corridors • identify and secure future funding sources to increase planting and green infrastructure • identify opportunities for retention of water and water bodies in the landscape to effectively irrigate open spaces and increased greenery, and to support urban cooling | <p>This is a separate process, however this site will contribute to the mature canopy in the area by retaining and enhancing the canopy on the site.</p> |
| <p>2. Involve La Perouse Local Aboriginal Land Council, and other relevant Indigenous groups, when preparing environmental plans and strategies</p> | <p>This will be part of the Gateway exhibition process.</p> |
| <p>7. Review development controls and pathways to ensure new buildings and alterations and additions produce adaptable and resilient buildings that minimise the urban heat island, and advocate for the NSW Government to update the complying development code</p> | <p>This will be a separate process, however this site should be able to contribute to the reduction of the urban heat island effect within the site.</p> |

1.4.2 Waverley Community Strategic Plan 2018-2029

Waverley Council has prepared the *Waverley Community Strategic Plan 2018-2029* (WCSP), which was adopted in June 2018. Table 16 below outlines the strategies relevant to the proposal.

| Table 16 – Applicable Directions and Strategies from the Waverley Community Strategic Plan | | |
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| Relevant Directions and Strategies from the Waverley Strategic Plan | Is the proposal consistent with the Direction or Strategy? | |
| Arts and Culture | | |
| 1.2 Preserve and interpret the unique cultural heritage of Waverley | | |
| 1.2.1 | <i>Maintain the unique cultural value and heritage significance of key landmarks</i> | This Proposal retains the heritage item listing, and the reduced height and density will ensure that the heritage significance of the site is retained, and that the landmark qualities of the site are not challenged. |
| Arts and Culture | | |
| 3.2 Expand the network of parks and open spaces, sporting and recreational facilities | | |
| 3.2.1 | <i>Improve access to private and public recreation facilities and open spaces</i> | This Proposal aims to increase public access to the open spaces available on the site, as well as the community facilities. |
| Planning, Development and Heritage | | |
| 5.1 Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve the liveability of existing neighbourhoods | | |
| 5.1.1 | <i>Facilitate and enable a range of housing options and other land uses</i> | This Planning Proposal addresses the need for seniors housing in the Waverley area by providing seniors housing on the site. The planning proposal also enhances the ability to provide seniors housing across the site, by providing seniors housing as an additional permitted use on the SP2 zoned land. |
| 5.1.2 | <i>Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods</i> | This Proposal aims to maintain and improve the amenity and liveability of the area. |
| 5.1.3 | <i>Ensure new development provides a high standard of design quality and does not adversely impact on the amenity of neighbours or the wider community</i> | This Proposal aims to develop the site holistically as a masterplan to ensure that a cohesive vision for the site is delivered. The reduced height and density will minimise the impact on the amenity of neighbours. The Submission Master Plan indicates an intention to provide a development of high quality for the wider community. |
| 5.2 Value and embrace Waverley's heritage items and places | | |
| 5.2.1 | <i>Protect, respect and conserve items and places of heritage significance within Waverley</i> | This Proposal retains the heritage item listing, proposes maximum height and FSR controls to respect the heritage item and not challenge the landmark qualities of the site. |
| Transport, Pedestrians and Parking | | |
| 6.1 Provide a wide range of transport options so people can easily travel within and beyond our local government area | | |
| 6.1.3 | <i>Reduce the need to own and travel by private motor vehicle</i> | This Proposal aims to retain and expand the uses of the hospital on the site to continue to service the local community. The location of the site is well connected by public transport and is within easy walking distance of Bondi Junction and Charing Cross, encouraging visitors to travel by active or public transport. The proposal also aims to increase seniors housing and aged care, which is again within easy walking distance of nearby centres, reducing the need for private motor vehicle ownership and use. By allowing aging in place, less trips need to be taken by family to travel to see relatives or to have visitors come to the site. |

1.4.3 Waverley Local Environmental Plan 2012

The WLEP2012 applies to the site. The consistency of the proposal with the aims of the WLEP2012 are outlined in Table 17 below.

| Table 17 – Consistency of Planning Proposal with the Aims of the WLEP2012 | |
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| Aim | Discussion |
| <i>(a) to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community</i> | Consistent. This Proposal promotes the retention and expansion of existing cultural and community uses that service the local and wider community. Through the redevelopment of the site, the heritage significance of the site is made available to the public. |
| <i>(b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs</i> | Consistent. This Proposal is located near Bondi Junction, and is an attractive place to increase the provision of seniors housing, and related services, that serve more vulnerable groups of the community. |
| <i>(c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,</i> | Consistent. This Proposal promotes the provision of residential typologies that service more vulnerable groups of our community including seniors housing. The majority of residential developments in the Waverley area are for market housing to be sold or rented at market rates, and minimal affordable, social or seniors housing is provided to suit the remainder of the community for whom which market housing is not appropriate. |
| <i>(d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas</i> | Consistent. The site is not located at the edge of a commercial centre. |
| <i>(e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community</i> | Consistent. This Proposal seeks to protect, maintain and accommodate community uses and facilities within the site. This Proposal also seeks to maintain and make more accessible the exiting open space within the site, to make more accessible to the community the heritage significance of the site. |
| <i>(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees</i> | Consistent. The site is currently home to two heritage listed trees and their surrounding landscaped area, as well as a number of mature and significant trees that form part of the Habitat Corridor identified in the DCP. The DCP provides controls around the Habitat Corridor, however it is proposed that the additional Significant Trees are protected either through the Site Specific DCP, or through the Significant Tree register. As large areas of the site will likely be developed upon, the area of basement car parking will be minimised to ensure that the site accommodates sufficient deep soil zones to maintain mature trees and additional landscaped areas to contribute to and enhance the Habitat Corridor. The Deep Soil Zone is proposed to be managed |

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| | through the LEP, however additional direction on locations of basements will be managed through the Site Specific DCP. |
| (g) <i>to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley</i> | Consistent. This Proposal seeks to conserve and promote the significant environmental, aesthetic, social and built heritage of the site by allowing the campus style redevelopment of the site, with new buildings to be located to the western portion of the site, to retain the heritage significance of the eastern portion of the site. |

1.4.4 Strategic and Site-Specific Merit Test

The 'Guide to Preparing Planning Proposals' outlines two merit tests that the proposal should be assessed against. The proposal is consistent the Strategic Merit Test and the Site-Specific Merit Test outlined in Tables 18 and 19 below.

| Table 18 - Strategic Merit Test | |
|--|---|
| a) Does the proposal have strategic merit? Is it: | |
| Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or | As demonstrated in Table 14 above, the Proposal does have strategic merit and is consistent with many of the actions of the Eastern City District Plan. |
| Consistent with a relevant local council strategy that has been endorsed by the Department; or | As demonstrated in Table 15, The Proposal is consistent with the <i>Waverley Local Strategic Planning Statement (March 2020)</i> . |
| Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls. | The Proposal aims to address changing demographic trends including an aging population. This will be addressed through an increase in the capacity of the site to deliver health related services, aged care, and seniors housing. To achieve this, the SP2 Zone is to be retained with seniors housing as an additional permitted use. |

| Table 19 - Site-specific Merit Test | |
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| b) Does the proposal have site-specific merit, having regard to the following: | |
| The natural environment (including known significant environmental values, resources or hazards); and | The proposed height and FSR provisions aim to balance the need to maintain and grow vital social infrastructure whilst balancing the environmental values of the site including open space, significant tree canopy, and heritage values. |
| The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and | This Proposal has site-specific merit including the existing uses, and likely future uses of land as it will continue to provide vital social infrastructure to the area, as well as improve services and site connections that will benefit the locality. |
| The services and infrastructure that are or will be available to meet the demands arising from the proposal; and | This Proposal aims to provide infrastructure to the surrounding area to continue to support the current and future population of Waverley and the Eastern Suburbs. |
| Any proposed financial arrangements for infrastructure provision. | This Proposal offers no financial arrangements for infrastructure provision. There are no arrangements for additional infrastructure provision in place from Council or any other government agency for the immediate area. |

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with the following SEPPs:

- SEPP No 33—Hazardous and Offensive Development
- SEPP No 55—Remediation of Land
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Apartment Development
- SEPP No 70—Affordable Housing (Revised Schemes)
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009

The following State Environmental Planning Policies (SEPPs) may be relevant to a future development assessment, however they do not apply to the proposal to change the WLEP2012.

- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (State and Regional Development) 2011
- SEPP (Affordable Rental Housing) 2009
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP 55 Remediation of Land

3.5.1 SEPP 55 Remediation of Land

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) applies to the site. As per cl. 6 of SEPP 55, in preparing an environmental planning instrument that seeks to change the zoning of a site, Council is not to include in a particular zone sensitive uses such as residential or hospital uses on a site unless:

- a) the planning authority has considered whether the land is contaminated, and
- b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note.

In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

The Proponent has submitted information addressing the application of (SEPP 55) to the site in the *Response to Request for Additional Information* (Attachment B). The Proponent has submitted a *Phase 1 Environmental Site Assessment* (ESA) (Attachment H).

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 20 documents the Ministerial Directions that are relevant to the proposal. Overall the proposal is consistent with the applicable s.9.1 Directions as available on the DPIE website.

| Ministerial Directions | Comment |
|---|--|
| <p>2.3 Heritage Conservation</p> <p>(1) Objectives</p> <p style="padding-left: 20px;">(a) <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p>(4) <i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p style="padding-left: 20px;">(a) <i>Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p style="padding-left: 20px;">(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p style="padding-left: 20px;">(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p> | <p>This Proposal includes the potential for redevelopment within the curtilage of several significant heritage items and heritage trees.</p> <p>The scale of increase in height to the eastern portion of the site seeks to respect the heritage significance of the individual items, as well as the significance and urban character of the Botany Street Conservation Area immediately to the north of the site. It does this by proposing a maximum of four storeys (15m) to these areas.</p> <p>Potential sites of archaeological significance have been identified in the 2017 CMP.</p> <p>No known Aboriginal heritage has been ascribed to, or identified on, the site.</p> <p>The 2017 CMP is a thorough document that details the history of the site, and identifies the various components of the built and landscape fabric that should be retained to preserve the significance of the site. The Site Specific DCP seeks incorporate and implement the policies as outlined in the 2017 CMP.</p> |

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| <p>2.6 Remediation of Contaminated Land</p> <p><i>(1) The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p> <p><i>(2) This direction applies to:</i></p> <p><i>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</i></p> <p><i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></p> <p><i>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</i></p> <p><i>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i></p> <p><i>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i></p> <p><i>(3) This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).</i></p> <p><i>(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p><i>(a) the planning proposal authority has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to</i></p> | <p>The Proposal includes development for the purposes of residential, childcare and a hospital, accordingly this Direction is applicable as per (2)(c) and (3).</p> <p>A Phase 1 Environmental Site Assessment has been carried out and submitted to support this Proposal. It identifies potential contamination of the land which may be a potentially unacceptable risk under the proposed uses. Contaminants include lead in fill materials, copper and zinc in fill materials, Polycyclic Aromatic Hydrocarbons (PAHs) in fill material, and asbestos. The conclusions and recommendations of the report are provided below to satisfy clause (5) of this Direction.</p> <p>10.1 Conclusions</p> <p><i>Based on the findings of this assessment... the following conclusions are provided:</i></p> <ul style="list-style-type: none"> • <i>The main portion of the site is understood to have been owned by the Vickery family from 1866 until 1919, when the property was gifted to the Methodist Church for use as a hospital, which continues to the current day. Former residential lots bordering the main portion of the site have gradually been acquired for incorporation into the currently defined site extent.</i> • <i>A limited site sampling program was implemented in 2012, inclusive of 20 sampling locations. Fill materials generally comprising silty sand with inclusions of ash, slag, tiles, concrete and sandstone gravels were observed to depths ranging from 0.3 to 1.1 m bgs, although some locations did not penetrate the depth of fill material due to obstructions.</i> • <i>Natural sands were encountered at three locations at depth ranging from 0.35 to 0.75m bgs.</i> • <i>Lead concentrations in fill material in some areas of the site have been identified to represent a potentially unacceptable risk to human receptors under the proposed land use scenario and copper and zinc concentrations in fill material have been identified to represent a potentially unacceptable risk to ecological receptors.</i> • <i>PAHs including carcinogenic PAHs (as BaP TEQ) concentrations in fill material in some areas of the site have been identified to represent a potentially unacceptable risk to human receptors under the proposed land use scenario and B(a)P concentrations in fill material in some areas of the site represents a potentially unacceptable risk to ecological receptors.</i> |
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| <p><i>satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></p> <p><i>(5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</i></p> <p><i>Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the Environmental Planning and Assessment Act 1979.</i></p> | <ul style="list-style-type: none"> • <i>Concentrations of remaining COPCs, including asbestos, were identified at soil sampling locations to be present at concentrations less than the adopted site assessment criteria.</i> • <i>No chemical mixtures, aesthetic issues or significant offsite migration risks were identified.</i> • <i>Whilst areas of near surface fill material have been identified at the site as being impacted with heavy metals and PAHs to varying extent as a result of past land uses, the scale and extent of the identified impact is not such that common remediation and/or management techniques could not render the site suitable for the future proposed uses. As such, the potential for contamination to occur at the site is considered not to represent a significant barrier to future development of the site.</i> <p>10.2 Recommendations</p> <p><i>The following recommendations are made in light of the conclusions:</i></p> <ul style="list-style-type: none"> • <i>Further detailed site investigation be undertaken in accordance with NSW EPA guidance once a detailed development proposal has been designed for the site such that the nature and scale of the investigation may be targeted toward areas of proposed ground disturbance and the most sensitive land uses including landscaped areas to provide appropriate data to draw specific conclusions in relation to the suitability of the site with respect to the anticipated exposure scenarios.</i> • <i>Subject to the outcome of the detailed investigation activities a remedial/management strategy will be developed to address requirements for management of unacceptable soil contamination risks prior to or during future development activities such that the site (or site portion) may be considered suitable for proposed future use.</i> • <i>The detailed site assessment reports and, if required, remedial action plan documentation will be required to be submitted with specific development applications to the consent authority for approval as part of the development planning process.</i> • <i>Given the age of buildings at the site, hazardous materials surveys should also be completed on existing buildings proposed for demolition to ensure appropriate management of materials during demolition of structures as part of future redevelopment activities.</i> |
| <p>3.1 Residential Zones</p> <p><i>(1) The objectives of this direction are:</i></p> | <p>This Proposal aims to encourage seniors housing including aged care and some affordable housing, to</p> |

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| <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p> | <p>contribute to the range of housing types across the LGA.</p> <p>The Proposal seeks to maintain and grow the existing social infrastructure on the site, allow for some additional and ancillary services, and to increase the liveability of the site.</p> <p>The Proposal involves the redevelopment of an existing site to improve the design of the site, and provide increased accessibility to the site for the community.</p> <p>The land is adequately serviced to increase the supply of residential development, and no provisions will decrease the permissibility of residential development on the site.</p> |
| <p>3.4 Integrating Land Use and Transport</p> <p>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> | <p>The objective of this direction is to ensure that urban land use locations improve accessibility for active and public transport and reduce car dependence.</p> <p>The site is well-connected to public transport, being a walking distance to heavy rail at Bondi Junction Interchange and being served by frequent bus services along Bronte Road.</p> <p>The proposed zone is for an urban purpose and is located near a Strategic/District Centre.</p> |

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| <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p> | |
| <p>6.1 Approval and Referral Requirements</p> <p>(1) <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p> | <p>This Proposal aims to ensure that the amended WLEP2012 would give effect to the redevelopment of the site and the appropriate assessment of development.</p> |
| <p>6.3 Site Specific Provisions</p> <p>(1) <i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i></p> <p>(4) <i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <p>(a) <i>allow that land use to be carried out in the zone the land is situated on, or</i></p> <p>(b) <i>rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i></p> <p>(c) <i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></p> <p>(5) <i>A planning proposal must not contain or refer to drawings that show details of the development proposal.</i></p> | <p>The Proposal aims to permit additional uses on the land to facilitate the redevelopment of the site. This is to be carried out by maintaining the existing zoning pattern and adding additional permitted uses in the WLEP2012 Schedule 1.</p> <p>The redevelopment of this site presents an unusual opportunity to protect the outstanding heritage and environmental significance of the site while also ensuring that the health facility and seniors housing focus of the site is maintained. A change in zone to a residential zone would undermine the strategic intent to maintain and grow important community uses in the SP2 zone Accordingly site-specific planning controls are proposed to ensure that these elements are protected and to create an appropriate response to the surrounding area.</p> <p>This Proposal also creates a new site-specific provision for deep soil and high-performance buildings. These controls do not currently exist elsewhere within the WLEP2012; however, they are to be addressed in in the WLEP via the Waverley Local Environmental Plan 2021 – Local Strategic Planning Statement Implementation Planning Proposal or future amendment, in accordance with key actions of the Waverley Local Strategic Planning Statement as follows.</p> <p>The Minimum Deep Soil provision seeks to increase permeability of the urban landscape and ensure that there is sufficient deep soil for maintaining existing canopy and growing new canopy. Relevant Actions:</p> <p>5.1. <i>Review planning controls to increase vegetation and canopy trees in new developments and public places</i></p> <p>12.6. <i>Increase permeability both in the public and private domains through LEP and DCP amendments, and public domain improvements</i></p> <p>12.11. <i>Maintain, improve and create new habitats for iconic species identified in key catchments and waterways</i></p> <p>12.13. <i>Identify opportunities to reduce stormwater runoff by implementing WSUD on public and private land</i></p> |

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|---|---|
| | <p>The High Performance Buildings provision seeks to incentivise the provision of water and energy efficient buildings through the provision of additional floor space and height. Relevant Actions:</p> <p><i>14. 3. Implement a development pathway to promote, deliver and monitor sustainable housing that investigates density bonuses related to high performance buildings</i></p> |
| <p>7.1 Implementation of A Plan for Growing Sydney</p> <p><i>(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i></p> <p><i>(4) Planning proposals shall be consistent with:</i></p> <p><i>(a) the NSW Government’s A Plan for Growing Sydney published in December 2014.</i></p> | <p>As indicated above in 3.3 the Proposal is consistent with the aims and priorities of the Metropolitan Strategy that encourages the expansion of social infrastructure, through the retention of the SP2 zone and minimal additional uses.</p> |

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site contains an important Habitat Corridor as identified in the DCP that must be maintained through any redevelopment of the site (as shown in the 'Description of site' section). The corridor is to be protected and enhanced through additional controls in the Site Specific DCP, Deep Soil Zones as proposed to be included in the LEP, as well as other mechanisms such as Tree Protection Orders and identifying trees on the Significant Tree Register. Given the size of the site, the habitat corridor can be maintained and enhanced.

The site contains no critical habitat or threatened species, however the habitat corridor is likely to provide habitat for important populations and accordingly should be not only protected but enhanced through any redevelopment of the site.

3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

3.8.1 Heritage

The impact on the heritage significance of the site has been discussed previously in Section 3.2.2 Heritage.

3.8.2 Drainage

The increase in impervious surfaces across the site through larger buildings and increased paved areas will likely create increased runoff into the storm water system. At Development Application stage, a strategy for the site should be prepared that ensures the retention of water on site during a heavy storm event, and that water collection and reuse on the site is implemented.

3.8.3 Traffic and Parking

The Proponent has provided an updated *Traffic/Transport Impact Assessment* (TIA) (Attachment I). The report outlines a worst-case scenario for the traffic generated by a maximum amount of carparking being provided in a future development. The report concludes that the proposal 'creates only a small increase in overall average delays for the intersections surrounding the site', however that the main intersection at Charing Cross is increased to 'unsatisfactory requiring additional capacity' with a Level of Service F in the morning peak, and is impacted to 'capacity' with a Level of Service E in the afternoon peak. Given that this modelling is based upon the maximum capacity of carparking, it is proposed that the Site Specific DCP specify a reduced maximum carparking rate for the overall site.

Traffic movements to and from the site should be minimised due to the site's proximity to Bondi Junction Interchange (800m) with train services and 29 bus routes, and within 400m of 10 bus stops servicing a variety of local and regional bus routes. Given the site is well serviced by public transport, and is well located within walking distance of Bondi Junction Strategic Centre and the Charing Cross Local Centre, the site lends itself to prioritise active and public transport for residents and staff visiting the site. A Green Travel Plan that details how the Proponent will encourage and manage active and public transport will be required as part of any future development application for the site.

The TIA also notes that:

- Aged care facilities are a relatively low generator of traffic during the commuter and school peak periods, particularly when account is taken of the synergy between the proposed residential components and the medical and retail aspects of the site.

- Whilst any future development will be subject to separate development application assessments, the traffic demands relating to the proposed change to controls are moderate, with the largest increase in average intersection delay being recorded as just 15 seconds.

Due to the immediate proximity of four schools adjacent to the site, there is concern that any additional traffic movements will likely impact on pedestrian safety and amenity for school children and parents. These impacts are to be managed through provisions to be provided in the Site Specific DCP.

There is in-principle support for any car parking to be placed underground rather than at grade or above ground. The basement car parks where possible should be linked to reduce the need for several entrances to the street. However, this would need to be completed with consideration to the impact on the roots of heritage trees and deep soil zones. The Site Specific DCP will provide further information on the layout of basements.

Bronte Road is a major bus route for services into and out of the Bondi Junction interchange, with the road being one travel lane in each direction and one parking lane in each direction with parking in high demand. Having regard to the high traffic volumes on Bronte Road there should be no vehicular access to or from Bronte Road. Vehicular access to or from Bronte Road with the resultant increase in vehicular movements has the potential to increase traffic delays for Bronte Road traffic; increase the potential for rear end crashes; result in an additional on street parking spaces having to be removed to improve driver sightlines. Vehicular access points on Bronte Road near the traffic lights are generally not supported due to the impact upon the intersection. Appropriate vehicle entry/exit points are detailed in the Site Specific DCP.

With regards to potential childcare uses on site, the traffic impacts may be a concern depending on the scale of the centre. The dropping off and picking up of children would need careful consideration. Appropriate provisions are proposed to be detailed in the Site Specific DCP.

3.9 Has the planning proposal adequately addressed any social and economic effects?

3.9.1 Social

This Proposal addresses the changing demographic of the surrounding community in that the population forecasts predict an aging population, with an increase of 38% of Waverley residents over the age of 65 years by 2036.⁶

The increase in social infrastructure provision on the site to address this issue is facilitated through this Planning Proposal. This allows residents to be able to age in place, in a community that they are familiar with, which has been shown to greatly increase the quality of life into older age.

The retention and expansion of the following existing community and health services is also facilitated:

- War Memorial Hospital
- An aged day centre, including dementia care and allied health services
- Seniors Gym
- Men's Shed

3.9.2 Economic

There are no obvious economic effects as a result of the development.

⁶ NSW Department of Planning & Environment, 2016, *New South Wales State and Local Government Area Population and Household Projections, and Implied Dwelling Requirements*.

3.10 Is there adequate public infrastructure for the planning proposal?

The proposal is well located near a range of services and is well serviced via public transport, being a short walk from the Bondi Junction Transport Interchange. As such no increases in public transport infrastructure are proposed to support the Proposal. Additional upgrades with regards to water and power may be required.

Given the scale of the site and the redevelopment, an energy and water efficiency and conservation plan may be requested as part of a Development Application to ensure power consumption is minimised and to investigate power generation options for the site.

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination will specify the level of public consultation that must be undertaken in relation to the Proposal.

PART 4 – MAPPING

See Attachment A for Proposed Mapping.

PART 5 – COMMUNITY CONSULTATION

Public exhibition included a display on the Council's website and written notification to neighbouring landowners and State agencies. Pursuant to section 10.18 of the Environmental Planning & Assessment Act 1979, exhibition documents are no longer required to be made available at a physical location during the COVID-19 pandemic. Council was now able to exhibit the planning proposal and associated documents on Council's website or the NSW Planning Portal, in lieu of displaying them in Council's Library and Customer Service Centre.

The Gateway Determination specifies that public exhibition is required under 3.34(2)(c) and schedule 1 clause 4 of the Act for a minimum of 28 days. The Planning Proposal was on public exhibition between 20 May 2021 – 04 July 2021 for a total of 41 days. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

A total of 48 submissions were received from members of the community relating to the Planning Proposal. Of the total submissions received from members of the community, five were in support and 33 did not support the planning proposal. Support was unable to be explicitly determined in 10 submissions received. These 10 submissions formed a broader group of 22 submissions that related specifically to concerns about the future of the existing residents on the site. The key issues raised in relation to the controls proposed in the planning proposal relate to objections to the proposed Alternative Building Heights and Alternative Floor Space Ratio. The issues raised reference to the impact the proposed building heights and floor space ratio could have on the surrounding neighbourhood characteristics, potential overshadowing created and the creation of wind tunnel effects, as well as the relationship between new built form and heritage items on site. In addition, a number of the submissions also provided a discussion about the proposed additional permitted uses in the SP2 zone component of the site. These submissions raised concern in relation to the number of Independent Living Units (ILUs) proposed, as well as the inclusion of centre-based childcare services use, to facilitate childcare on-site. The submissions have been provided in full in the Post-Gateway Package to the DPIE and the issues raised are summarised below.

As outlined in the Council report on 17 August 2021, many of the issues raised are more appropriately managed through the Site Specific DCP, and will be addressed after the re-exhibition of the Draft Site Specific DCP with the WMH Birrell Street Planning Proposal.

| Support | Number of submissions |
|---|------------------------------|
| Vision for the site | 2 |
| Design excellence applying to the site | 1 |
| Retention and conservation of heritage | 2 |
| Retention and improvement of services on-site | 3 |
| Provision of seniors housing on the site | 3 |
| Did not support | |
| Building heights | 20 |
| Floor space ratio | 5 |
| Potential overshadowing | 10 |
| Potential wind tunnel effects | 9 |
| Bulk and scale | 7 |
| Additional Permitted Uses | 2 |
| Concern over future living arrangements of current residents | 22 |
| Impact on heritage items | 9 |
| Traffic impacts | 4 |
| Out of character with the local area | 6 |
| Volume of Independent Living Units | 6 |
| Demand for aged care services/seniors housing in the LGA | 2 |
| Potential loss of houses on Birrell Street sites (subject to separate PP) | 1 |
| Redevelopment of any type | 1 |

Table 21 - Summary of submissions.

PART 6 – PROJECT TIMELINE

The following project timeline will assist with tracking the progress of this Planning Proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by October 2021.

| Table 22 – Project Timeline | |
|---|------------------|
| Tasks | Timeframe |
| Conditional Gateway determination received | July 2020 |
| Additional information provided by Proponent, inclusive of updated masterplan | February 2021 |
| Updated planning proposal submitted to DPIE to satisfy Gateway conditions | April 2021 |
| Planning proposal endorsed to proceed to community consultation | May 2021 |
| Community consultation | May-July 2021 |
| Post Exhibition Review | July 2021 |
| Update Planning Proposal / Report to Council | August 2021 |
| DPIE review of final Planning Proposal | September 2021 |
| Parliamentary Counsel drafting of LEP | September 2021 |
| DPIE to finalise LEP | October 2021 |

APPENDIX 1 – HISTORY OF THE PLANNING PROPOSAL

| <i>Planning Proposal Key Dates</i> | |
|------------------------------------|--|
| Date | Matter |
| 4 July 2017 | Proponent's request to prepare a planning proposal – the Submission – is lodged with Council |
| 17 August 2017 | Council request for additional information |
| 8 September 2017 | Initial meeting with Council Planners and Proponent |
| 19 January 2018 | Response to request for additional information submitted to Council |
| 14 February 2018 | Second meeting with Council Planners and Proponent |
| 25 May 2018 | Second response (amended Submission) to request for additional information submitted to Council |
| 24 September 2018 | Waverley Local Planning Panel meeting, additional information requested |
| 12 October 2018 | Third meeting with Council Planners and Proponent |
| 5 November 2018 | Third response (amended Submission) submitted to Council, and forwarded to the Waverley Local Planning Panel |
| 24 January 2019 | Final Advice received from the Waverley Local Planning Panel |
| 5 March 2019 | Reported to March Strategic Planning and Development Committee |
| 22 March 2019 | Proponent lodges request for Rezoning Review |
| 7 May 2019 | This Proposal is reported to May Strategic Planning and Development Committee |
| 8 May 2019 | Council submits this Proposal to the DPIE |
| 18 October 2019 | Rezoning Review determined by the State Panel. Not supported to proceed to Gateway determination |
| 5 December 2019 | DPIE request for additional information for this Proposal |
| 20 April 2020 | Response to RFI from Proponent received |
| 8 July 2020 | Conditional Gateway determination received |
| 15 February 2021 | Additional information provided by Proponent, inclusive of updated masterplan |
| 2 March 2021 | Site Specific DCP endorsed by Council for exhibition |
| 20 May 2021 | Public exhibition commences |
| 4 July 2021 | Public exhibition concludes |
| 17 August 2021 | Findings of public exhibition reported to Council. |

The Submission has evolved over time as a result of the assessment process. Each stage is discussed and a graphic layout of the Submission is provided below.

[4 July 2017 - Planning Proposal lodged with Council](#)

The initial Planning Proposal was lodged to amend the WLEP2012 as follows:

- Change the zoning from SP2 Health Services Facility to R3 Medium Density Residential.
- Add Additional Permitted Uses applying to the site to include business premises, food and drink premises, function centre, retail premises, and tourist and visitor accommodation.
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

As part of the proposal, the proponent engaged consultants to prepare the following reports:

- Planning Proposal Justification Report, Ethos Urban (Previously JBA)
- Uniting Waverley Master Plan, COX
- Communication and Engagement Report, KJA
- Heritage Conservation Management Plan, Hector Abrahams and Associates
- Landscape Master Plan, Taylor Brammer
- Heritage Impact Statement, Hector Abrahams and Associates
- Traffic and Transport Assessment, Traffix

- Civil Services and Infrastructure Statement, Wood & Grieve Engineers
- Site Contamination Assessment, JBS Environmental
- Arborist Report, Taylor Brammer
- Peer Review and Photomontage Certification, Richard Lamb & Associates

Council officers requested additional information in August 2017 and met with the proponents in September 2017 to discuss the preliminary feedback for the proposal.

In January 2018, the proponent submitted the additional information that had been requested, and met with Council officers in February. The feedback of Council officers was that the heights and FSR were not supported to the extent proposed, and that the rezoning of the site to R3 Medium Density Residential was not going to serve the primary purpose of the site. Council officers provided the following feedback:

- For the proponent to acquire the remaining sites along Birrell Street, and for the Planning Proposal to apply to the entire site if appropriate.
- Retain the existing zoning of part SP2 Health Services Facility and part R3 Medium Density Residential.
- Add required Additional Permitted Uses that are secondary to the use of the site as a Health Services Facility.
- Reduce the maximum permissible height to the frontages of the site to 12.5m, and to reduce the overall maximum of the site to 20m within the centre of the site. This was based on a cross-section of Bronte Road that was taken between Ebley St and Birrell St, not between Birrell St and Church St.
- Reduce the maximum permissible FSR from 1.5:1 to 1.2:1.

[25 May 2018 - Amended Planning Proposal lodged with Council](#)

A modified proposal was submitted on 25 May 2018 to amend the WLEP2012 as follows:

- The affected sites of the Planning Proposal increased to be applied to the entire site bound by Birrell Street, Bronte Road, Carrington Road and Church Street. A number of these additional lots are not owned by the Proponent.
- Retain the existing zoning of part SP2 Health Services Facility and part R3 Medium Density Residential.
- Add Additional Permitted Uses applying to the site to include all uses that are currently permitted within the R3 Medium Density Residential Zones in the SP2 Health Services Facility zone.
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible FSR from 0.6:1 and 0.9:1 to 1.5:1.

[5 November 2018 - Amended Planning Proposal lodged with Council](#)

A modified proposal was submitted on 5 November 2018 to amend the WLEP2012 as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m to enable a use in an adjacent zone to be permissible, to allow 'flexibility in the case a more appropriate and logical built form outcome can be achieved with minor encroachment into the surrounding SP2 zone.' That is, to effectively permit the R3 zone to extend 20m into the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply to the site as follows:

- Seniors housing (in the SP2 zone);
 - Community facilities (in the SP2 zone);
 - Centre-based child care facility (in the SP2 zone);
 - Retail premises (capped at 450sqm)(in the R3 and SP2 zone);
 - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
 - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
 - Serviced apartments (provided the use is ancillary to the health services facility);
 - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
 - Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

[5 March 2019 - Strategic Planning and Development Committee Meeting](#)

The Planning Proposal as outlined in this document was reported to the Strategic Planning and Development Committee on 5 March 2019. A letter was provided by Uniting Care to the Committee that outlined a number of issues that the Proponent asserted were not addressed appropriately in the Planning Proposal as assessed by Council officers. The issues raised in the letter were considered to be a difference in position between Council officers and the Proponent, and not a matter of the quality or completeness of the assessment.

[22 March 2019 – Proponent lodges request for Rezoning Review](#)

The Proponent lodged a request for Rezoning Review, which seeks a review of Council’s decision to not support the Submission being forwarded in the form of a planning proposal for Gateway determination.

[18 October 2019 – Rezoning Review determined](#)

The Rezoning Review was held on 18 October 2019, and the State Panel determined that the Submission should not be submitted for a Gateway determination because the proposal has demonstrated strategic merit but not site-specific merit. The decision was unanimous.

[20 April 2020 – Response to Request for Additional Information](#)

The Proponent submitted additional information to support the Council-led Planning Proposal including:

- Response to Request for Additional Information
- Built Form Assessment and Urban Design Study prepared by COX
- Heritage Impact Statement prepared by Hector Abrahams Architects
- Conservation Management Plan (2005) prepared by John Oultram and Susan O’Neill
- Phase 1 Environmental Site Assessment prepared by JBS&G Environmental and
- Traffic Impact Assessment prepared by Traffix

[8 July 2020 - Conditional Gateway approval received by the Department of Planning Industry and Environment.](#)

On the 8 July, 2020, conditional Gateway approval was received subject to the satisfying of a number of matters have been addressed throughout the updated Planning Proposal. The conditional Gateway determination advised that the time frame for the completion of the LEP is to be 12 months following the date of the Gateway Determination – 8 July 2021.

[15 February 2021 – Response to Request for Additional Information](#)

Additional updated information was submitted to Council by the proponent. The additional, updated information included:

- Planning Proposal report prepared by Ethos Urban
- Uniting Waverley Urban Design Report prepared by Architectus
- Response to request for additional information prepared by Ethos Urban
- Landscape Design Statement prepared by TaylorBrammer
- Heritage Impact Assessment prepared by Hector Abrahams Architects
- Arborist Report – Tree Data Schedule prepared by Tree Management Strategies
- Traffic/Transport Impact Assessment prepared by Traffix

[3 March 2021 – Site Specific DCP endorsed for exhibition.](#)

The Site Specific DCP for this planning proposal (and Birrell Street sites Planning Proposal) was put to Council's Strategic Planning and Development Committee (SPDC) meeting. The Site specific DCP was endorsed by Council as follows:

That Council public exhibits the draft Site Specific Development Control Plan for the War Memorial Hospital attached to the report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the Environmental Planning and Assessment Act 1979, subject to:

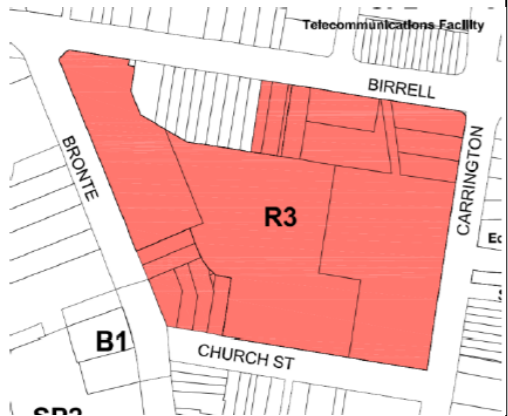
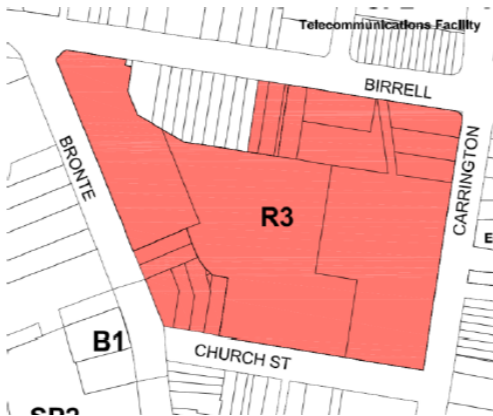
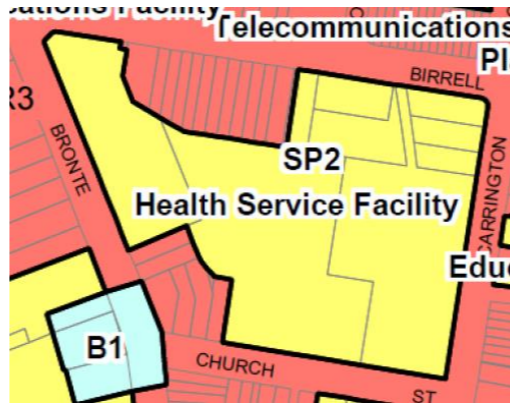
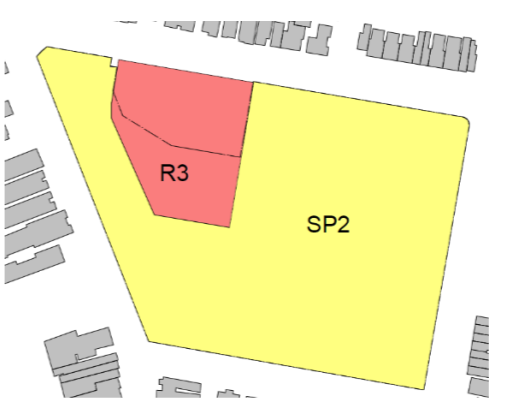


1. *Any minor amendment required in the case of an amended Gateway Determination for the relevant planning proposals.*
2. *Ensuring there is consistency between Figure 3 (site layout plan) and Figure 4 (open space site plan) in the draft DCP to ensure that there is appropriate setback between the Bronte Road/Birrell Street heritage-listed gateway and the five-storey building at the corner*


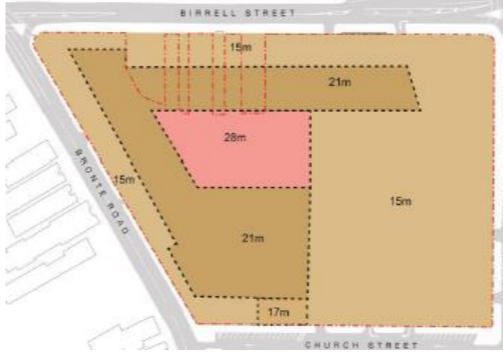
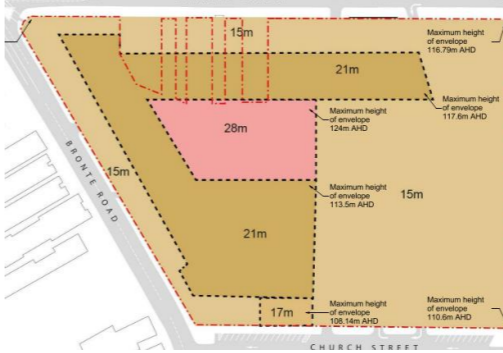

[17 August 2021 – Findings of public exhibition reported to Council.](#)

The Planning Proposal was placed on public exhibition from 20 May 2021 – 04 July 2021 alongside the draft site specific DCP. Submissions received from both the public and the agencies notified were reported to Council on 17 August 2021.

A total of 48 submissions were received from members of the community relating to the Planning Proposal. Of the total submissions received from members of the community, five were in support and 33 did not support the planning proposal. Support was unable to be explicitly determined in 10 submissions received. The key issues raised in relation to the controls proposed in the planning proposal relate to objections to the proposed Alternative Building Heights and Alternative Floor Space Ratio. The issues raised reference to the impact the proposed building heights and floor space ratio could have on the surrounding neighbourhood characteristics, potential overshadowing created and the creation of wind tunnel effects, as well as the relationship between new built form and heritage items on site. In addition, a number of the submissions also provided a discussion about the proposed additional permitted uses in the SP2 zone component of the site. These submissions raised concern in relation to the number of Independent Living Units (ILUs) proposed, as well as the inclusion of centre-based childcare services use, to facilitate childcare on-site.

The report was adopted by Council with a number of amendments to the recommendations put forward by the Officers in the report. The draft minutes of the meeting are provided in *Appendix 5*.

| Proposal History | | | | | |
|----------------------------------|---|--|---|--|---|
| WLEP2012 Provision | Proponent's Submission 4 July 2017 | Additional Information supplied by Proponent 19 January 2018 | Amended Submission supplied by Proponent 25 May 2018 | Amended Submission supplied by Proponent 5 November 2018 | This Planning Proposal |
| Zone | R3 Zone to apply to entire site.  | R3 Zone to apply to entire site.  | Retain existing SP2 (Health Services Facility) and part R3 Medium Density Residential.  | Change SP2 and R3 zoning locations to rationalize building locations on site. Proposal for a 20m zone setback from boundary of other zone.   | Retain the existing land use zoning pattern with some additional permitted uses as outlined below.  |
| Additional Permitted Uses | Nil. | Nil. Potential to cap retail uses. | Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Business premises; Food and drinks premises; Function centre; Retail premises; Residential Flat Building; Tourist and visitor accommodation | <ul style="list-style-type: none"> Seniors Housing Community Facilities Centre-based child care facility Retail premises (capped at 450m²) Business Premises (capped at 5,390m²) Hotel or motel accommodation (capped at 127 beds) Serviced apartments (where shown to be ancillary) Function centre (where shown to be ancillary) | Additional permitted uses across the SP2 Zone: <ul style="list-style-type: none"> Seniors housing Community facilities Centre-based child care facility |

| | | | | | |
|--|---|---|---|---|---|
| FSR | 1.5:1 | 1.5:1 | 1.5:1 | 1.5:1 | An increase in FSR to 1.2:1 is sufficient to deliver the Proponent’s Master Plan. Given the heritage nature of the site, and large areas of the site that will remain unchanged, the FSR potential of these areas can be used elsewhere on the site. |
| Height | 15m, 21m, 28m  | 15m, 21m, 28m  | 15m, 17m, 21m, 28m  | 15m, 17m, 21m, 28m  | Increase the maximum permissible height to 15m, with 21m to the centre of the site.  |
| Sites the Planning Proposal is to be applied to | All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street, excluding the majority of the residential lots along Birrell Street. | All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street, excluding the majority of the residential lots along Birrell Street. Confirmed that 119 Birrell Street was to be included. | All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street (pending outcome of landowners support) | All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street (pending outcome of landowners support) | This Planning Proposal does not include the Birrell Street properties, as previously indicated. |
| Other issues | Nil. | Nil. | Nil. | Nil. | <ul style="list-style-type: none"> • Site Specific DCP • Include site on Key Sites Map |

APPENDIX 2 - MINUTES OF THE LOCAL PLANNING PANEL

MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL MEETING HELD AT THE WAVERLEY COUNCIL CHAMBERS ON MONDAY 24 SEPTEMBER 2018

Panel members present:

The Hon Angus Talbot (Chair)
Penelope Mora
Annelise Tuor
Peter Brennan (by phone)

Also present:

| | |
|--------------|---------------------------------------|
| Mr G Bramis | Executive Manager, Strategic Planning |
| Mr T Sneesby | Manager, Strategic Planning |
| Ms J Hogan | Strategic Planner |
| Ms R Siaoosi | Administration Officer |

At the commencement of the reconvened proceedings at 10.30am, those panel members present were as listed above.

At 10.30am, the chair opened the meeting and invited the Proponents to present their Planning Proposal.

11.20am, the chair opened the meeting for the Proponents to address the Council members present directly for clarification of the recommendations put forward by council.

11.55am, the Panel convened the meeting to deliberate in closed session.

At 2.12pm, the Panel reconvened in open session.

At 2.25pm, the meeting closed.

**WLPP-1808.A
Apologies**

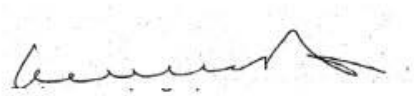
Peter Brennan (Expert) was unable to attend in person, and dialled in.

**WLPP-1808.DI
Declarations of Interest**

The Chair called for declarations of interest and none were received

WLPP-1808.R
Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink, appearing to read 'Angus Talbot', with a stylized flourish at the end.

The Hon Angus Talbot
Chairperson

WLPP-1808.PP

Planning Proposals – PP-1/2017

War Memorial Hospital, 125 Birrell Street, Waverley

Report dated: 16 August 2018

DECISION: The panel notes that there have been discussions and that clarifications are required. The panel has decided that it will adjourn the consideration of the advice, and that the advice at the moment is:

The Panel Advises that:

1. The meeting be adjourned to allow the proponent to provide the following information:
 - a. Justification for the proposed 1.5:1 FSR including GFA figures of the proposed uses in buildings identified in the masterplan.
 - b. Heights of proposed buildings to be related to AHD information of the proposed buildings in the masterplan and existing ground level.
2. The meeting be adjourned to also allow Council to meet with the owners of the properties not owned by the applicant having a frontage to Birrell Street within the R3 Zone to determine whether those sites should be included in the planning proposal.
3. That the further details indicated in the advice is to be provided within 14 days.

The public session is now adjourned. Thank you for your attendance and assistance.

A Ciano (Uniting), M Grave (Cox Architecture), G Kirkby, A Antoniazzi (Ethos Urban) and H Abrahams (Hector Abrahams Architects) addressed the meeting.

THE MEETING CLOSED AT 2.25PM.

APPENDIX 3 – FINAL ADVICE OF THE LOCAL PLANNING PANEL

ADVICE OF THE WAVERLEY LOCAL PLANNING PANEL – 24 JANUARY 2019 – SCHEDULE 2, PART 5, ITEM 26 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979* (NSW)

PLANNING PROPOSAL BY ETHOS URBAN SUBMITTED ON BEHALF OF UNITING WAVERLEY FOR THE WAR MEMORIAL HOSPITAL SITE.

REASONS

The Waverley Local Planning Panel (WLPP) endorses the support of the Council Officers for the aim of the Planning Proposal, which is to expand the health and ageing provision on the site. However, for the reasons in the Council Officers Report dated 9 January 2019 (the Report), the Panel agrees that the Planning Proposal, as submitted, requires amendment to ensure that the character of the area is retained and the significance of the heritage items of the site are not compromised.

In particular, the WLPP, does not support the Planning Proposal, as submitted, for the following reasons:

1. The Planning Proposal represents a significant overdevelopment of the site,
2. The level of development will have a serious and detrimental impact on the important heritage values of the site.
3. The proposed increase in maximum height of buildings to 9 storeys and maximum permissible floor space ratio to 1.5:1 would be out of scale with development in the surrounding streets and would have a negative impact on the streetscape.
4. Waverley LGA, as one of the most densely populated areas in Australia, should comfortably meet its housing targets under the relevant strategic plans and, therefore, there is no justification for the proposed extension of the R3 Zone, which would permit residential flat buildings.
5. The proposed extension of the R3 zone and flexible zone boundary would increase the area of the site where residential flat buildings are a permissible use which would compete with the extent and effectiveness of the SP2 zone to provide health and aged care facilities, for which there is a strategic demand within the LGA.

For the reasons outlined in points 1-5 above, the WLPP is of the opinion that the planning proposal does not demonstrate site specific merit.

The WLPP supports the amendments proposed in the Report and agrees that an alternative planning proposal, incorporating the amendments, and a site specific Development Control Plan, should be able to achieve the realistic objectives for the site and have both strategic and site specific merit

Consequently, the WLPP does not support the Planning Proposal, as submitted, being referred to the Department of Planning and Environment for Gateway.

RESOLUTION

That the Waverley Local Planning Panel (WLPP) advise Council it does not support the Planning Proposal for Waverley War Memorial Hospital and that it should not be forwarded to the Department of Planning and Environment for Gateway in its present form.

DECISION

Unanimous

Hon.R.N. Talbot
Chair

24 January 2019

APPENDIX 4 – MINUTES OF THE WAVERLEY COUNCIL AUGUST 17 2021 MEETING

Minutes of Council Meeting

17 August 2021

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley.
2. Officers review the following matters and update the draft Site Specific Development Control Plan (DCP) prior to it being adopted for exhibition:
 - (a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.
 - (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
 - (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.
 - (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
 - (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.
3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
 - (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
 - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
 - (c) A request for consideration of options for rehousing existing residents in a sensitive and considered way, including giving preference to existing residents in the future development.

4. Officers, in any future development application, give consideration to rehousing existing residents.
5. Officers discuss the potential inclusion of social impact mitigation provisions with the applicant to be included in the planning proposal, Site Specific DCP or any other planning instrument.
6. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
7. Writes to property owners to provide an update on the Conditional Gateway Determination.
8. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.

Division

For the Motion: Crs Betts, Burrill, Copeland, Kay, Keenan, Lewis, Masselos, Lewis, Nemesh and Wakefield.

Against the Motion: Cr Wy Kanak.

G Vaughan (on behalf of Bronte Beach Precinct), M Cusack, D Caretti (on behalf of Charing Cross Precinct), S Swifte (on behalf of Queens Park Precinct), J Jungheim, M Main and S Furness (on behalf of Uniting) addressed the meeting.

At 10.00 pm, following the vote on this item, the meeting adjourned for short break.

At 10.07 pm, the meeting resumed.

APPENDIX 5 – EXAMPLE SITE SPECIFIC PROVISION

Below is provided an example of the site-specific provision. This is not the final proposed text, but for the purposes of illustrating the intent of the provision.

- (a) *The objectives of this clause are:*
- *To enable the holistic redevelopment of the Edina Estate;*
 - *To encourage building design that minimises the consumption of energy and water;*
 - *To encourage the reinstatement of significant heritage fabric, and retention of habitat corridors and significant trees.*
 - *To ensure the continuation of the delivery of vital health and social infrastructure on the site.*
- (b) *This clause applies to the site as identified on the Key Sites Map.*
- (c) *Clause 6.9 Design Excellence is to apply to the site.*
- (d) *30% of the total site area is to be provided as deep soil, with the spatial layout as indicated in the Site Specific DCP.*
- (e) *The consent authority must be satisfied that any part of a building that is BASIX affected is to be rated at 5 BASIX points above the State-mandated target for water, 10 BASIX points above the State mandated target for energy, and is to meet a 7 star NatHERS rating for thermal comfort.*
- (f) *The consent authority must be satisfied that the design of buildings and building services for any commercial part of a building must take appropriate measures to ensure the development is capable of achieving 5.5 star NABERS Energy and 4.5 star NABERS Water with a Commitment Agreement. In this clause— NABERS Energy rating (also known as the National Australian Built Environment Rating System Energy rating) means a star rating for the environmental performance of a building, given in accordance with the national rating system that determines building performance for the purpose of the Building Energy Efficiency Disclosure Act 2010 of the Commonwealth.*
- (g) *The consent authority must be satisfied that a minimum of 5550 square metres of floorspace is to be used for the purposes of a residential care facility.*
- (h) *The consent authority must be satisfied that any bonus provisions under the Development of Vertical Villages clause of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is not utilised.*
- (i) *Despite clause 4.3 (2), the maximum building height is the maximum height shown for the land on the Alternative Height of Buildings Map, but only if the consent authority is satisfied that subclauses (d), (e), (f), (g) and (h) of this clause have been met.*
- (j) *Despite clause 4.4(2) and 4.4A, the maximum floor space ratio for development is to be 1.2:1, but only if the consent authority is satisfied that subclauses (d), (e), (f),(g) and (h) of this clause have been met*
- (k) *Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (l) has been prepared for the land.*
- (l) *The development control plan must provide for all of the following—*
- a) *built form scale and interface to surrounding land uses, heritage buildings and gardens within the site,*
 - b) *pedestrian access and through site links,*
 - c) *provision of landscaped open space.*